

NOTICE OF SUSPENSION

Case Nos. 94-108-GA; 94-129-FA

James M. Cohen, P-12017, Southfield, Michigan, by Attorney Discipline Board Tri-County Hearing Panel #58.

- 1) Suspension - Three (3) Years;
- 2) Effective November 3, 1994.

Based upon respondent's default for failure to answer, the panel concluded that the allegations in the formal complaints were deemed to be admitted and that the respondent had committed the following acts of misconduct: Failure to file a bankruptcy petition for which he had accepted a retainer fee of \$450.00; failure to properly communicate with his client regarding the status of the matter; failure to return the unearned fee to his client; and failure to answer a formal complaint.

Respondent's conduct was found to be in violation of MCR 9.104(1)-(4)and(7) and Michigan Rules of Professional Conduct 1.1(c); 1.3; 1.4; 1.5(a); 1.15(b); 1.16(d); 8.1(b); and 8.4(a)and(c).

Respondent participated in the hearing to determine the appropriate level of discipline. The panel concluded that the respondent's misconduct in his handling of the bankruptcy petition for a single client was aggravated by his failure to answer the formal complaint and by the pattern of misconduct evidenced by a prior history of discipline resulting in a suspension of 120 days effective March 17, 1990; a suspension of 120 days (by consent) effective January 21, 1994; and a suspension of eighteen months effective June 24, 1994. Costs were assessed in the amount of \$234.04.

Respondent filed a petition for review, but did not request a stay of discipline. His petition for review was dismissed by the Attorney Discipline Board for his failure to appear at the scheduled review hearing.

NOTE: Respondent has been suspended from the practice of law in Michigan continuously since October 6, 1992.