

NOTICE OF SUSPENSION  
(By Consent)  
Case No. 93-218-GA; 93-249-FA

James E. Linn, P-31096, Berkley, Michigan, by Attorney  
Discipline Board Tri-County Hearing Panel #55.

- 1) Suspension - 180 Days;
- 2) Effective August 30, 1994.

The respondent and the Grievance Administrator filed a stipulation for consent order of discipline pursuant to MCR 9.115(F)(5), which was approved by the hearing panel and the Attorney Grievance Commission.

Respondent was retained to institute a wrongful discharge action. He admitted that he failed to present argument in opposition to one defendant's motion for summary disposition; failed to file an appeal of the dismissal of the lawsuit, although he advised his client that he would do so; misrepresented to his client that an appeal had been filed and was pending with the court; and failed to respond to his client's requests for information. The same client filed a legal malpractice suit against respondent. He admitted that he failed to comply with the terms of the settlement agreement in the malpractice action; and failed to abide by the terms and provisions of the consent judgment entered by the court. He also admitted that he failed to answer the Request for Investigation.

Respondent was retained by two co-defendants to file appeals in a criminal matter. He admitted that he failed to timely file an appellate brief; failed to take any other action on the appeals; filed a motion to extend time to file appellate brief with the court, along with a check for payment which was returned to him for non-sufficient funds; failed to take any action to rectify the situation on his clients' behalf which caused their appeals to be dismissed; failed to communicate with his clients concerning the status of their appeals; was assessed a fee by the Court of Appeals for the above-mentioned non-sufficient funds check; was assessed costs by the Court of Appeals in the amount of \$150, for which he tendered another non-sufficient funds check, and for which he was assessed an additional fee by the court; and failed to answer the Request for Investigation.

Respondent was retained by a business to collect delinquent accounts, obtain judgments against debtors, and file garnishments if necessary. He admitted that he failed to promptly and diligently pursue collection efforts; failed to promptly notify his client of the receipt of funds belonging to the client; failed to promptly deliver to his client funds or other property to which the

client claimed an interest; failed to render a full accounting to his client of the property or funds in which the client claimed an interest; failed to communicate with his client concerning the status of the collection matters; and failed to answer the Request for Investigation. Respondent also admitted that he failed to answer Formal Complaint 93-218-GA.

Respondent conduct was admitted to be in violation of MCR 9.103(C); MCR 9.104(1)-(4)and(7); MCR 9.113(A)and(B)(2); Michigan Rules of Professional Conduct 1.1; 1.2(a); 1.3; 1.4; 1.15; 3.2; 3.4(c); 8.1(b); and 8.4(a)-(c); and Canons 1, 6 and 7 of the then-applicable Code of Professional Responsibility, DR 1-102(A)(1),(4) and(5); DR 6-101(A)(3); and DR 7-101(A)(1).

Costs were assessed in the amount of \$186.61.