

NOTICE OF SUSPENSION AND RESTITUTION
(By Consent)

Case No. 93-146-GA

James M. Cohen, P-12017, Bloomfield Hills, Michigan, by
Attorney Discipline Board Tri-County Hearing Panel #52.

- 1) Suspension - 120 days;
- 2) Effective January 21, 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 represent the plaintiff in a wrongful discharge matter and filed an action on the plaintiff's behalf. The plaintiff received a mediation award of \$2000 against the defendant. The plaintiff informed respondent that he did not want to accept the mediation award. Respondent admitted that he failed to reject the mediation award, causing it to be accepted; failed to advise the plaintiff that the mediation award had been accepted; failed to file a motion to set aside the acceptance of the mediation award; and failed to take any other action to protect the plaintiff's rights or to secure payment of the mediation award.

Respondent's conduct was admitted to be in violation of MCR 9.104(1)-(4); the Michigan Rules of Professional Conduct, 1.1(c); 1.3; 1.4; and 8.4(a)and(c); and Canons 1, 6 and 7 of the then applicable Code of Professional Responsibility, DR 1-102(A)(1),(5) and(6); DR 6-101(A)(2)and(3); and DR 7-101(A)(1)and(3).

Respondent agreed to make restitution to the complainant in the amount of \$2000. Costs were assessed in the amount of \$172.89.

NOTE: Respondent's license to practice law in Michigan has been suspended continuously since October 6, 1992.