

NOTICE OF SUSPENSION AND RESTITUTION  
(By Consent)

Case Nos. 92-199-GA; 92-233-FA

James K. Jesse, P-15498, Buchanan, Michigan, by Attorney Discipline Board Kalamazoo County Hearing Panel #2.

- 1) Suspension - 35 days;
- 2) Effective March 1, 1993.

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 appointed to represent defendants in nine separate post-conviction proceedings. He pled nolo contendere to charges that he failed to timely notice post-conviction motions for hearing in four cases; failed to timely file a brief in support of motion for new trial in one case; failed to timely file trial court motions and/or claims of appeal in eight cases; failed to obtain his client's consent to dismiss the appeal in one case; failed to file a motion seeking to withdraw in one case; failed to timely respond to the prosecutor's application for leave to appeal in one case; and, failed to keep his client's adequately informed concerning the status of their appeals in three cases.

Respondent was retained to represent a defendant in a motion for reduction of sentence, and was paid a \$750 retainer fee. He pled nolo contendere charges that he failed to file a motion for re-sentencing; and, failed to keep his client adequately informed concerning the status of the motion and failed to promptly respond to his client's inquiries over a five year period.

Respondent was retained to collect a debt and paid \$200 as advanced costs. He pled nolo contendere to charges that he failed to file an action on his client's behalf prior to the expiration of the statute of limitations.

Respondent failed to timely answer Formal Complaint 92-199-GA.

Respondent's conduct was alleged to be in violation of MCR 9104(1)-(4)and(7); the Michigan Rules of Professional Conduct, 1.1(c); 1.3; 1.4(a); 3.2; 8.1(b); 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)(3); and DR 7-101(A)(1)-(3).

Respondent agreed to make restitution to two of his clients, one in the amount of \$200 and the other in the amount of \$1000.

Costs were assessed in the amount of \$193.70.

A third complainant filed a petition for review seeking restitution. The respondent subsequently agreed to make restitution to that complainant in the amount of \$300 and the petition for review was withdrawn.

NOTE: Respondent was automatically reinstated to the practice of law on April 7, 1993, in accordance with MCR 9.123(A).

See Notice of Automatic Reinstatement dated April 15, 1993.