

NOTICE OF SUSPENSION

DP-201/86; ADB 21-87

James A. Lepley, P31744, Burr Oak, Michigan, by the Attorney Discipline Board affirming a hearing panel order of suspension.

- 1) Suspension - 120 days;
- 2) Effective April 12, 1991.

The hearing panel found that the respondent's answers to the Formal Complaints did not comply with the applicable court rules and were deemed to constitute admissions to the misconduct charged. In Formal Complaint DP-201/86, the respondent filed a request for investigation with the Attorney Grievance Commission charging two attorneys with offering perjured testimony in a disciplinary matter involving the respondent, and he further charged that the counsel for the Grievance Administrator was aware that the testimony was false. The panel concluded that the filing of a request for investigation containing such serious charges, without facts or any reasonable basis for believing that the charges were true, constituted misconduct in violation of MCR 9.104(1-4) and Canon 1 of the Code of Professional Responsibility, DR 1-102(A)(1,4-6). In Formal Complaint ADB 21-87, the respondent filed a civil action against a circuit court judge, the Judicial Tenure Commission and its executive director. The panel found that allegations in the circuit court complaint were false and made without a reasonable basis for belief, and constituted misconduct in violation of MCR 9.104(1-4) and Canons 1, 7 and 8 of the Code of Professional Responsibility, DR 1-102(A)(1,4-6); DR 7-102(A)(1,2,5) and DR 8-102(B). In an order dated March 7, 1990, Kalamazoo County Hearing Panel #1 ordered that the respondent's license to practice law in Michigan be suspended for a period of 120 days.

The Grievance Administrator filed a petition for review seeking an increase in the discipline imposed. Respondent filed a cross-petition for review charging that he was not afforded due process in the hearing panel proceedings. In an order dated June 6, 1990, the Attorney Discipline Board affirmed the hearing panel order of suspension. Respondent filed an application for leave to appeal with the Michigan Supreme Court, which was denied in an order dated April 12, 1991. Costs were assessed in the amount of \$2684.67.