

NOTICE OF PROBATION

ADB 30-88

James J. Zimmer, P-22732, Flint, Michigan, by the Attorney Discipline Board modifying a hearing panel order of suspension and probation.

- 1) Probation - two years;
- 2) Effective November 10, 1990.

Attorney Discipline Board Wayne County Hearing Panel #5 concluded that misconduct as alleged in the formal complaint had been proven by a preponderance of the evidence.

The respondent engaged in a single transaction involving the sale of four ounces of cocaine in 1981, and gave a false answer to a federal grand jury in 1987. In his answer, the respondent admitted the factual allegations of the complaint and asserted his eligibility for probation based upon his substance abuse at the time of the misconduct.

Respondent's conduct was found to be in violation of MCR 9.104(1-5) and Canon 1 of the Code of Professional Responsibility, DR 1-102(A)(3,5,6).

The hearing panel conducted a separate hearing on discipline, and ordered that the respondent's license to practice law in Michigan be suspended for a period of 119 days followed by two years probation.

The respondent filed a petition for review seeking elimination of the 119-day suspension on the grounds that it was unduly punitive. The Attorney Discipline Board concluded that the goals of discipline would be achieved by increasing the suspension to a period of 120 days, that suspension to be stayed pending the respondent's successful completion of the two-year probation. Costs were assessed in the amount of \$636.79.