

## NOTICE OF SUSPENSION

Case No. ADB 147-89

James M. Cohen, P12017, Farmington Hills, Michigan, by the Attorney Discipline Board increasing a hearing panel order of suspension for 119 days.

- 1) Suspension - 120 days;
- 2) Effective March 17, 1990 to July 16, 1990;  
July 6, 1991 (one day remaining to serve).

Respondent was convicted in Macomb County Circuit Court of the high court misdemeanor of attempted conspiracy to manufacture, deliver or possess marijuana with the intent to deliver or manufacture the controlled substance. At the outset of the hearing, respondent's counsel admitted that his client's conduct constituted professional misconduct as alleged in the formal complaint. In mitigation, the panel found that this was respondent's first act of misconduct in a lengthy career, that he did not participate as a principal in the drug transaction and that he received no apparent financial inducement or benefit. Respondent's conduct was found to be in violation of MCR 9.104(1-4); Canon 1 of the Code of Professional Responsibility, DR 1-102(A)(1,3-6); and MRPC 8.4(a-c).

The grievance administrator filed a petition for review seeking an increase in discipline. No petition for review or request for stay of discipline was filed by respondent, and the suspension became effective March 17, 1990. Respondent was automatically reinstated upon filing an affidavit of compliance with the Michigan Supreme Court on July 16, 1990.

In an order dated July 30, 1990, the Attorney Discipline Board increased discipline to a suspension of 120 days. On August 17, 1990, the Attorney Discipline Board denied respondent's motion for reconsideration. Respondent filed an application for leave to appeal with the Michigan Supreme Court, which was denied in an order dated May 21, 1991. In orders dated May 31, 1991 and June 11, 1991, the Attorney Discipline Board granted respondent's motion to amend the effective date of discipline. On July 3, 1991, the Attorney Discipline Board denied respondent's third motion for amendment of effective date of discipline. The final day of the suspension left to be served before filing a petition for reinstatement was effective July 6, 1991. Costs were assessed in the amount of \$519.98.