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STATE OF MICHIGAN

Attorney Discipline Board



JOHN F. VAN BOLT
EXECUTIVE DIRECTOR &
GENERAL COUNSEL

SUITE 1260
333 W. FORT STREET
DETROIT, MICHIGAN 48226
Area Code 313 963-5553

NOTICE OF SUSPENSION

File No. DP 116/85; DP 3/86

James D. Hills, P 14978, 425 S. Westnedge, Kalamazoo, MI 49012 by the Attorney Discipline Board reducing a Hearing Panel Suspension of Two Years.

- 1) Suspension - one year;
- 2) Effective October 22, 1986.

Respondent's failure to answer two Formal Complaints filed by the Grievance Administrator resulted in the entry of Defaults and the determination by the Panel that the Defaults constituted admissions to the allegations of misconduct, to wit: That the Respondent was retained in 1978 to institute a personal injury action but that he failed to file suit; that he failed to advise his client that the period of limitations had run but instead made false statements to his client that the case was pending in a circuit court and that settlement offers had been made; that he failed to notify his client, as specifically required by an Order of the Attorney Discipline Board, that his license to practice law was suspended for a period of 121 days commencing September 23, 1983 and that his sworn statements in a Petition for Reinstatement and in testimony to a Hearing Panel that he had notified all his clients of his suspension was false.

The Hearing Panel found that Respondent's conduct as alleged in the Complaint constituted violations of MCR 9.104(1-4) [GCR 953(1-4) and Canons 1, 6 & 7 of the Code of Professional Responsibility, to wit: DR 1-102(A)(4-6); DR 6-101(A)(3); and DR 7-101(A)(1-3). The Panel ordered that Respondent's license be suspended for two years.

The Respondent instituted review proceedings under MCR 9.118. By a majority, the Attorney Discipline Board concluded that while the Respondent's conduct could not be condoned, he had presented mitigating factors warranting a reduction to a suspension of one year. The Board specifically cited Respondent's psychological difficulties during the period which preceded his prior suspension, his effort to change the nature of his practice in order to avoid the type of situation which

resulted in the neglect of client matters and his reputation in the local legal community. A dissenting opinion by two members of the Board characterized Respondent's continued neglect and pattern of deceit after his reinstatement from a previous suspension as aggravating factors justifying a two year suspension. Costs were assessed by the Hearing Panel in the amount of \$194.16.



John F. VanBolt

Dated: OCT 22 1986