

Attorney Discipline Board



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NOTICE OF REPRIMAND

DP-107/83

JOHN A. JOHNSON (P 31442), 1055 Bridge St., N.W., Grand Rapids, MI, 49504, by Attorney Discipline Board Grand Rapids Hearing Panel #1:

- (1) Reprimand;
- (2) Effective November 8, 1983.

The hearing panel found that Respondent, seeking unemployment benefits before the Michigan Employment Security Commission on behalf of a client, requested subpoenas to secure witnesses at a hearing on appeal filed by the opposing party (the employer of Respondent's client); that the Michigan Employment Security Commission referee advised that the subpoenas were unnecessary and refused to issue the same; that Respondent, instead of procuring subpoenas as provided by applicable rules, served three witnesses with a State District Court Subpoena form with the name of the referee typed thereon as the issuer thereof; that the employer withdrew his appeal rather than undertake the cost of responding to said subpoenas. The panel found violations of GCR 1963, 953(1-4) and the Code of Professional Responsibility, to-wit: Canon 1, DR1-102(A)(1)(4-6) and Canon 7, DR7-101(5)(8).

Although the panel found that Respondent improperly caused subpoenas to be issued, the panel considered the following evidence in mitigation: Respondent apparently proceeded to issue the subpoenas with the misguided belief that he had a right, as counsel for a party to the action, to independently subpoena witnesses notwithstanding the refusal of the hearing officer; Respondent's reputation was unblemished record; and, the recommendation of counsel for the Attorney Grievance Commission that the panel should impose a reprimand. Costs were assessed against Respondent.

John F. X. Dwaihy

 JOHN F. X. DWAIHY, Executive Director
 & General Counsel

Dated: November 15, 1983

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