

Attorney Discipline Board



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This is to inform the Courts of the State of Michigan of the following Order of Discipline:

NOTICE OF SUSPENSION


File No. DP-48/80

JAMES H. KENNEDY, (P15880), 268 Washington Square, Royal Oak, MI 48067, by Order of the Attorney Discipline Board, amending a Hearing Panel decision.

- (1) Suspension;
- (2) For a period of 121 days;
- (3) Effective April 8, 1981.

Findings: Respondent was retained to probate an estate, and neglected to file an accounting despite repeated notices from the Special Administratrix and a Probate Court notice, that despite inquiry from the Probate Court Judge, Respondent failed to meet as promised with said Judge, that said fiduciary was eventually suspended as a result of Respondent's failure to provide said accounting, that subsequently, substitute counsel was appointed by the Court, and thereafter, Respondent attempted to file an accounting, which was not signed by the fiduciary or by the Respondent, said acts, omissions, and negligence resulting in additional expenses to the estate, and being in violation of GCR 953(1)(4) and Canons 1 and 6 of the Code of Professional Responsibility, to-wit: DR 1-102(A)(4)(5)(6) and DR 6-101(A)(3). Respondent failed to answer the Grievance Administrator's Request for Investigation in regard to said Complaint, in violation of GCR 953(7) and 962 and DR 1-102(A)(1).

The Hearing Panel cited Respondent's explanation of factors in mitigation and remorse as grounds to obviate discipline, and dismissed the Complaint. On review, the Attorney Discipline Board reversed the Panel decision with an opinion citing provisions for mandatory discipline (GCR 964.10(2)) and noting the absence of an excuse for failure to answer a Request for Investigation, particularly based upon the nature of Respondent's prior contacts with the disciplinary system, which may not have been presented to the Hearing Panel. Respondent was assessed costs in the amount of \$140.80.



David Baker Lewis, Secretary
ATTORNEY DISCIPLINE BOARD

Date of Issuance: MAY 14 1981