

Attorney Discipline Board



BOARD MEMBERS
 FREDERICK G. BUESSER, JR.
 JOHN L. COTÉ, CHAIRPERSON
 MSGR. CLEMENT H. KERN
 DAVID BAKER LEWIS, SECRETARY
 FRANK J. MCDEVITT, D.O.
 WILLIAM G. REAMON
 LYNN H. SHECTER,
 VICE-CHAIRPERSON

JOHN F. X. DWAIHY
 EXECUTIVE DIRECTOR &
 GENERAL COUNSEL
 SUITE 1260
 333 W. FORT STREET
 DETROIT, MICHIGAN 48226
 TELEPHONE: (313) 963-5553

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

NOTICE OF SUSPENSION

File No. DP-160/80

JAMES A. CARLIN, (P11615), 1800 Buhl Building, Detroit, MI 48226,
 by Attorney Discipline Board Wayne Circuit Hearing Panel "M".

- (1) Suspension;
- (2) For a period of one (1) year;
- (3) Effective (by retroactive order) February 5, 1981.

The Formal Complaint charged: that Respondent was retained in December, 1974 to pursue a workers' compensation claim, that Respondent, in January, 1976, advised his client that a petition for workers' compensation had been filed, that the client appeared for hearing in March, 1977, and was advised by Respondent that a settlement had been obtained, that client was advised in May, 1977, by the Department of Workers' Compensation of dismissal for lack of progress, that Respondent was inaccessible to his client, missed appointments with said client, refused to answer telephone calls and letters, in violation of GCR 953(1-4) and Canons 1, 6, and 7 of the Code of Professional Responsibility, to-wit: DR 1-102(A)(5)(6), DR 6-101(A)(3), and DR 7-101(A)(2)(3). The Complaint further charges that Respondent obtained a settlement for a personal injury client and gave the client false excuses for not paying the proceeds of said settlement to the client, that Respondent paid said monies only after the filing of a Request for Investigation, in violation of DR 1-102(A)(4-6) and DR 9-102(B)(4) and GCR 953(1-4). A separate count charged that Respondent neglected prosecution of a certain personal injury matter, failed, neglected, and/or refused to communicate with his client regarding status of the same, failed or refused client's request for return of the file, and failed to perform legal services for which he was retained, in violation of DR 1-102(A)(5)(6) and DR 6-101(A)(3) and DR 7-101(A)(1)(2), and GCR 953(1-4). Four (4) additional, separate counts in the Complaint charged that Respondent failed to answer Requests for Investigation filed by the Grievance Administrator, in violation of GCR 953(7).

The Hearing Panel entered findings of fact and conclusions of law based upon Respondent's default and failing to answer the Formal Complaint; the Panel concluded that the allegations in the Complaint had been established also by proofs, constituting violations of the rules as alleged. The Panel emphasized the importance of compliance with the court rules requiring an answer to the Request for Investigation and Formal Complaint. The Panel considered a record of prior misconduct, including a reprimand and three (3) separate suspensions, and assessed costs in the amount of \$142.20. The suspension of one (1) year is to run concurrently with a separate suspension of 180 days.

David Baker Lewis
 David Baker Lewis, Secretary
 ATTORNEY DISCIPLINE BOARD

Date of Issuance: MAY 14 1981

80n-160