

IN THE MATTER OF J. MICHAEL KOPP,
A Member of the State Bar of Michigan,
Respondent.
File Nos. DP-12/81 & DP-120/81

Decided: September 2, 1982

OPINION OF THE BOARD

Respondent was assessed certain costs as part of two prior orders of discipline and has failed to pay these obligations. Respondent was suspended for 120 days; the Grievance Administrator appealed, arguing that a more substantial discipline should be imposed based on Respondent's lack of responsiveness and lack of cooperation with the discipline agencies. The Board increases the suspension from 120 days to 3 years in view of Respondent's contemptuous disregard of the discipline process.

In 1976, Respondent was suspended by the former State Bar Grievance Board; the Order in that matter included a cost assessment of \$579.17 [File No. 33910-A]. The Michigan Supreme Court modified discipline to a reprimand in 1978; however, the Court did not modify the cost provision. The Grievance Administrator filed a complaint alleging non-payment of the costs and the hearing panel struck Respondent's answer thereto as unresponsive [DP-12/81].

In a separate matter, Respondent was disciplined and assessed costs of \$1,503.03 [File No. 36417-A]. These costs also have not been paid by Respondent.

In 1981, Respondent pled guilty to a violation of the insurance code, to-wit: MCLA 500.1207 and 500.150, failure to timely file monies received as an agent, a misdemeanor [People v John Michael Kopp, Case No. 3707FY, Circuit Court for the County of Grand Traverse]. Based on the non-payment of the costs and the misdemeanor violation, the Grievance Administrator filed a second complaint which Respondent failed to answer [DP-120/31].

Files DP-12/81 and DP-120/81 were consolidated and a hearing was held on these matters on October 30, 1981. Respondent, although notified of the proceedings, failed to appear. The hearing panel suspended Respondent for 120 days. The Grievance Administrator appealed, contending a greater sanction is necessary for the protection of the public and of the legal profession.

The primary concern of the Board in this matter is Respondent's lack of responsiveness and his contempt for the discipline process. When a record reflects an attitudinal problem as well as a pattern of misconduct, the Board is particularly concerned regarding the potential for further harm and prejudice to clients and the system of justice. Respondent not only failed to appear before the panel or to address this matter on review before the Board, but his lone pleading was woefully inadequate. He has not yet paid any costs assessed against him, part of which have been outstanding for nearly four years. He has failed to make a request for an extension of time in which to pay.

Although there may be some doubt regarding Respondent's intention to carry on or re-enter

the legal profession, based on his failure to petition for reinstatement pursuant to prior orders of discipline, it remains Respondent's duty to pay the costs ordered in these proceedings. Regardless of his licensure status, these cost payment obligations remain a valid term of the discipline orders and represent a duty to the bar and the court as mandated by GCR 1963, 977.

Respondent's continued failure to pay costs as ordered exposes him to possible contempt proceedings in circuit court as authorized by GCR 1963, 976.

In view of Respondent's contemptuous attitude, his failure to respond to the charges against him or to cooperate with the discipline agency, and in further consideration of the record of prior discipline as well as the severity of past and present misconduct, we extend the suspension to 3 years.

ALL CONCUR, EXCEPT Board Member Leo A. Farhat who did not participate in this matter.