

STATE OF MICHIGAN

FILED
ATTORNEY DISCIPLINE BOARD

17 JAN 31 PM 12:01

Attorney Discipline Board

GRIEVANCE ADMINISTRATOR,
Attorney Grievance Commission,

Petitioner,

v

Case No. 16-32-GA

CAROLYN J. JACKSON, P 53018,

Respondent.

**ORDER AFFIRMING HEARING PANEL ORDER OF SUSPENSION
AND RESTITUTION WITH CONDITIONS**

Issued by the Attorney Discipline Board
211 W. Fort St., Ste. 1410, Detroit, MI

Tri-County Hearing Panel #53 of the Attorney Discipline Board issued an order on September 20, 2016, suspending respondent's license to practice law in Michigan for a period of 60 days, and ordering restitution with conditions. Respondent filed a petition for review, arguing that the discipline imposed was excessive and overly punitive. The discipline ordered by the hearing panel was automatically stayed pursuant to MCR 9.115(K) upon the filing of respondent's petition for review and petition for stay.

The Attorney Discipline Board has conducted review proceedings in accordance with MCR 9.118, including review of the evidentiary record before the panel and consideration of the briefs presented by the parties. Although a hearing was scheduled to be held on December 14, 2016, no oral arguments were presented because respondent failed to timely appear, and counsel for the Grievance Administrator indicated she would rely on her written brief.¹

In exercising its overview function to determine the appropriate sanction, this Board's review is not limited to the question of whether there is proper evidentiary support for the panel's findings; rather, it possesses "a greater degree of discretion with regard to the ultimate result." *Grievance Administrator v Alexander H. Benson*, 08-52-GA (ADB 2010), citing *Grievance Administrator v Eric S. Handy*, 95-51-GA (ADB 1996). See also *Grievance Administrator v Irving A. August*, 438 Mich 296; 475 NW2d 256 (1991).

¹ Respondent appeared at the hearing, but arrived at least 15 minutes after her case was called. Respondent was advised that she could file a motion for a new review hearing; otherwise, the case would be decided on the written briefs. Respondent did not file a motion for new hearing.

The Board has considered the rationale expressed by the hearing panel in its report filed September 20, 2016, and is persuaded that the panel's decision to impose a suspension of 60 days is within the guidelines of the American Bar Association's Standards for Imposing Lawyer Sanctions and is otherwise appropriate under the facts and circumstances presented.

NOW THEREFORE,

IT IS ORDERED that the hearing panel's order of suspension and restitution with conditions issued September 20, 2016, is **AFFIRMED**.

IT IS FURTHER ORDERED that respondent's license to practice law in Michigan is **SUSPENDED FOR 60 DAYS, EFFECTIVE MARCH 1, 2017**, and until the respondent's filing of an affidavit of compliance with the Supreme Court, the Attorney Discipline Board and the Attorney Grievance Commission in accordance with MCR 9.123(A).

IT IS FURTHER ORDERED that respondent shall, on or before **MARCH 1, 2017**, pay restitution in the amount of **\$500.00** to **Brenda B. Milner**. Respondent shall file written proof of payment with the Attorney Grievance Commission and the Attorney Discipline Board within 10 days of the payment of restitution.

IT IS FURTHER ORDERED that respondent shall not be eligible for reinstatement in accordance with MCR 9.123(A) unless respondent has fully complied with the restitution provision of this order.

IT IS FURTHER ORDERED that from the effective date of this order and until reinstatement in accordance with the applicable provisions of MCR 9.123, respondent is forbidden from practicing law in any form; appearing as an attorney before any court, judge, justice, board, commission or other public authority; or holding herself out as an attorney by any means.

IT IS FURTHER ORDERED that, in accordance with MCR 9.119(A), respondent shall, within seven days after the effective date of this order, notify all of her active clients, in writing, by registered or certified mail, return receipt requested, of the following:

1. the nature and duration of the discipline imposed;
2. the effective date of such discipline;
3. respondent's inability to act as an attorney after the effective date of such discipline;
4. the location and identity of the custodian of the clients' files and records which will be made available to them or to substitute counsel;
5. that the clients may wish to seek legal advice and counsel elsewhere; provided that, if respondent was a member of a law firm, the firm may continue to represent each client with the client's express written consent;

6. the address to which all correspondence to respondent may be addressed.

IT IS FURTHER ORDERED that in accordance with MCR 9.119(B), respondent must, on or before the effective date of this order, in every matter in which respondent is representing a client in litigation, file with the tribunal and all parties a notice of respondent's disqualification from the practice of law.

IT IS FURTHER ORDERED that, respondent shall, within 14 days after the effective date of this order, file with the Grievance Administrator and the Attorney Discipline Board an affidavit of compliance as required by MCR 9.119(C).

IT IS FURTHER ORDERED that respondent's conduct after the entry of this order but prior to its effective date, shall be subject to the restrictions set forth in MCR 9.119(D); and respondent's compensation for legal services shall be subject to the restrictions described in MCR 9.119(F).

IT IS FURTHER ORDERED that respondent shall, on or before March 1, 2017, pay costs in the amount of **\$2,149.00**, consisting of costs assessed by the hearing panel in the amount of \$2,101.00 and court reporting costs incurred by the Attorney Discipline Board in the amount of \$48.00 for the review proceedings conducted on December 14, 2016. Check or money order shall be made payable to the Attorney Discipline System and submitted to the Attorney Discipline Board, 211 West Fort St., Ste. 1410, Detroit, MI 48226, for proper crediting. (See attached instruction sheet).

ATTORNEY DISCIPLINE BOARD

By:



Louann Van Der Wiele, Chairperson

DATED: January 31, 2017

Board members Louann Van Der Wiele, Rev. Michael Murray, Dulce M. Fuller, James A. Fink, John W. Inhulsen, Jonathan E. Lauderbach, Barbara Williams Forney, Karen O'Donoghue, and Michael B. Rizik, Jr., concur in this decision.