

State of Michigan
Attorney Discipline Board

FILED
ATTORNEY DISCIPLINE BOARD
17 MAY 31 PM 3:46

Grievance Administrator,
Michigan Attorney Grievance Commission,

Petitioner,

Case Nos. 17-63-JC; 17-64-GA

v

James R. Shaw, P49003

Respondent.

Consolidated Notice of Filing of Judgment of Conviction and Formal Complaint

(Parties and Jurisdiction)

1. Petitioner, Grievance Administrator, is authorized by MCR 9.109(B)(6) to prosecute this Formal Complaint by the Attorney Grievance Commission, which is the prosecution arm of the Supreme Court for the discharge of its constitutional responsibility to supervise and discipline Michigan attorneys.

2. As a licensed Michigan attorney, Respondent is subject to the jurisdiction of the Supreme Court and the Attorney Discipline Board as set forth in MCR 9.104.

3. Michigan attorneys have a duty to conduct themselves personally and professionally at all times in conformity with the standards imposed on members of the bar as a condition of the privilege to practice law.

4. Respondent is a Michigan attorney who was licensed in 1993 and who resides or has his place of business in the County of Wayne.

NOTICE OF A FILING OF A JUDGMENT OF CONVICTION

5. Petitioner, in accordance with MCR 9.120(B)(3), files notice that Respondent was convicted on or about November 1, 2016, of Domestic Violence, a misdemeanor, in violation of MCL 750.812. A certified Judgment of Sentence is attached evidencing the conviction (Attachment A).

6. Under MCR 9.120(B)(3), the Attorney Discipline Board shall issue an order to show cause why a final order of discipline should not be entered and refer the proceeding to a hearing panel for a hearing. At the hearing to be conducted in accordance with MCR 9.115(J)(3), the panel is to inquire into the specific facts of the case and consider all aggravating and mitigating circumstances. *Grievance Administrator v Deutch*, 455 Mich 149, 168-169 (1997).

FORMAL COMPLAINT

(Factual Allegations)

7. On April 19, 2011, Respondent filed an appearance on behalf of Vasilios Perivoliotis in a divorce case captioned *Penny Perivoliotis v. Vasilios Perivoliotis*, Macomb County Circuit Court, Case No. 09-005499-DM.

8. A consent judgment of divorce was entered on June 10, 2011.

9. Following the entry of the judgment of divorce, Respondent represented Mr. Perivoliotis in various post-judgment proceedings, including a motion to terminate the divorce receiver and a contempt action against Mr. Perivoliotis for failure to pay spousal support.

10. On May 3, 2013, Mr. Perivoliotis paid Respondent a \$5,000 advance fee to file an action against the court-appointed receiver, Attorney Anthony Caputo.

11. On July 1, 2013, Respondent's license to practice law was suspended for 30 days by consent in *Grievance Administrator v. James Shaw*, ADB Case No. 12-125-GA.

12. Respondent did not inform Mr. Perivoliotis of the suspension.

13. On July 22, 2013, Mr. Perivoliotis emailed Respondent and stated, "Mr. Shaw where are you? Are you going to call me."

14. On July 24, 2013, during the period of suspension, Respondent replied to Mr. Perivoliotis's e-mail. Respondent stated that he had been ill but was feeling better. Respondent then stated that "I am ready to do some serious litigation." Respondent proposed a meeting with Mr. Perivoliotis the following week.

15. Respondent did not disclose to Mr. Perivoliotis that his license had been suspended and remained suspended.

16. On August 2, 2013, Respondent filed an affidavit with the Michigan Supreme Court pursuant to MCR 9.124 in order to be reinstated to the practice of law.

17. Respondent stated in the affidavit that he had no active clients as of July 1, 2013.

18. This statement was knowingly false because Mr. Perivoliotis was an active client at the time of the suspension.

19. Respondent's affidavit omitted the fact that he had contacted Mr. Perivoliotis by e-mail during the period of suspension.

20. Respondent was reinstated effective August 2, 2013, on the basis of his affidavit.

(Grounds for Discipline)


21. By reason of the conduct described above in this Formal Complaint, Respondent has committed the following misconduct and is subject to discipline under MCR 9.104 as follows:

- a. failing to notify all active clients of his suspension in violation of MCR 9.119(A);
- b. having contact with a client or potential client in person, by telephone, or by electronic means during the period of suspension, in violation of MCR 9.119(E)(2);
- c. holding himself out as an attorney, in violation of MCR 9.119(E)(4);
- d. engaging in conduct involving dishonesty, fraud, deceit, misrepresentation or violation of the criminal law where such conduct reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer; in violation of MRPC 8.4(b);
- e. engaging in conduct prejudicial to the proper administration of justice, in violation of MCR 9.104(1);
- f. engaging in conduct that exposes the legal profession or the court to obloquy, contempt, censure, or reproach, in violation of MCR 9.104(2); and,

- g. engaging in conduct that is contrary to justice, ethics, honesty, or good morals, in violation of MCR 9.104(3);

Wherefore, Respondent should be subjected to such discipline as may be warranted by the facts or circumstances of such misconduct, including any restitution owed.

Dated: May 31, 2017



Alan M. Gershel (P29652)
Grievance Administrator
Attorney Grievance Commission
535 Griswold, Suite 1700
Detroit, Michigan 48226
(313) 961-6585

01/27/2017 08:34:21 000076412

Court Address 660 PLYMOUTH ROAD
ORI MI820055J PLYMOUTH, MI 48170

Court Telephone
(734) 459-4740

People of STATE OF MICHIGAN

V

Defendant's name, address, and phone

SHAW/JAMES/ROGER
14801 PLYMOUTH CROSSING
PLYMOUTH, MI 48170

CTN/TCN	SID	DOB
821570139001	2971018H	12/13/1964

THE COURT FINDS:

1. Defendant was found guilty on MAY 25, 2016 of the crime(s) as stated below:

CNT	PLEA*	COURT	JURY	BY*	CRIME	CHARGE CODE(S)	MCL CITATION/PACC
1	G				DOMESTIC VIOLENCE	750.812	

*Plea:insert G for guilty plea; NC for nolo contendere; MI for mentally ill.
*Dismissed:insert D for by court or NP for by prosecutor/plaintiff.

2. Defendant was represented by an attorney: PER IN PRO P-00008

IT IS ORDERED:

{ } 9. Defendant is sentenced to jail as follows:

CNT	DATE	TOTAL	JAIL	TO BE	Release Authorized	Release Period
	JAIL	SENTENCE	CREDIT	SERVED	for the Following	From To
1	BEGINS	DAY(S)	DAY(S)	DAY(S)	Upon payment fines/costs To work or seek work For attendance at school For medical treatment Other:	

10. Defendant shall pay:

CNT	STATE	CRIME	VICTIM	RESTITUTION	COSTS	FINE	ATTY FEES	OTHER	TOTAL
1	50.00	75.00			253.00	300.00		690.00	1,368.00
Balance Due:									\$130.00

The due date for payment is 2/01/17. Fine, costs, and fees not paid within 56 days of the due date are subject to a 20% late penalty on the amount owed. Only the fine and some costs may be satisfied by serving time in jail.

{ } Defendant shall serve ___ days in jail beginning _____ for failure to pay on time.

15. Other:

THESE FEES ARE NOT WAIVED BY SERVING JAIL. I HEREBY CERTIFY that the above has

been compared by me and is a true and correct copy of the conviction in the 35th Judicial District Court of the City of Plymouth, County of Wayne, State of Michigan.

[Handwritten Signature]
1/23/17

[Handwritten Signature]
DATE

[Handwritten Signature]
DEPUTY COURT CLERK

NOV. 1, 2016
Date

Judge MICHAEL J. GEROU P-38777
Bar No.
MCL 765.15(2), MCL 769.1k, MCL 769.16a, MCL 775.22,
MCL 780.766, MCL 780.826, MCR 6.427