

NOTICE OF SUSPENSION AND PROBATION WITH CONDITIONS

Case No. 03-109-GA

Notice Issued: May 12, 2004

Robert J. Polasek, P 47924, Swartz Creek, Michigan, by the Attorney Discipline Board Genesee County Hearing Panel #5.

1. Suspension - 179 Days
2. Effective May 4, 2004

3. Probation - 2 Years
4. Effective May 4, 2004

The respondent was found to be in default for his failure to file an answer to the formal complaint but he did appear at the public hearing in pro per. Based on his default for failure to answer, the panel found that respondent, in a criminal proceeding in Indiana, failed to comply with the Indiana Court Rules; failed to file a verified petition, associate himself with local counsel, and issue notice of his pro hac vice status as required by the Indiana Court Rules; and engaged in the unauthorized practice of law in Indiana. In a second matter in Indiana, respondent failed to file an action on behalf of his client; misrepresented to his client that he had filed an action on his behalf; failed to return his client's numerous telephone calls or keep scheduled appointments; and did not return the unearned fee until after his client had filed a request for investigation. Finally, respondent failed to promptly provide information demanded by the Attorney Grievance Commission in response to two requests for investigation; and, after a grievance was filed, created and submitted a letter purporting to have been a letter previously sent to his client which he knew he had never sent.

Respondent's conduct was in violation of MCR 9.104(A)(1)-(4); and Michigan Rules of Professional Conduct 1.1(a)-(c); 1.2(a); 1.3; 1.4; 1.6(d); 3.1; 3.2; 3.4(c); 5.5; 8.1(a)(1); and 8.4(a)-(c). The panel ordered that respondent's license to practice law in Michigan be suspended for 179 days with a condition relevant to the established misconduct. The panel also ordered the respondent be subject to a two year probationary period and assessed costs in the amount of \$2,121.19.