

NOTICE OF SUSPENSION WITH CONDITION
(By Consent)

Case No. 03-26-GA

Notice Issued: September 16, 2003

Barry D. Herbach, P 25375, by the Attorney Discipline Board Kent County Hearing Panel #2.

1. Suspension - 30 days
2. Effective September 16, 2003

The respondent and the Grievance Administrator filed a stipulation for a consent order of discipline, in accordance with MCR 9.115(F)(5), based on the default entered against respondent. The parties' agreed that respondent committed misconduct when he failed to file an answer to a request for investigation. Respondent's conduct was in violation of MCR 9.104(A)(1)-(4) and (7); MCR 9.113(A); MCR 9.113(B)(2); and Michigan Rules of Professional Conduct 8.1(a)(2); and 8.4(a) and (c).

The parties further agreed that respondent's license to practice law in Michigan should be suspended for 30 days and that respondent would attend a one-day Ethics School conducted by the State Bar of Michigan. Costs were assessed in the amount of \$1,031.42.