

NOTICE OF SUSPENSION WITH CONDITION

Case No. 01-82-GA

Notice Issued: September 10, 2002

Michael R. Josey, P-36364, Detroit, Michigan, by the Attorney Discipline Board Tri-County Hearing Panel #22.

1. Suspension - 90 days;
2. Effective September 7, 2002.

The hearing panel found that respondent failed to conduct discovery on behalf of his client in a malpractice suit; failed to file any response to the defendant's request for admissions; and failed to file an answer to defendant's motion for summary disposition and default judgment, or otherwise appear on his client's behalf which resulted in the malpractice complaint being dismissed and a default judgment being entered on defendant's counter-complaint for fees claimed to be owed by defendant by respondent's client. Additionally, respondent failed to enter into a written contingent fee agreement and otherwise fully communicate the basis and rate of his fees to his client. Respondent's conduct was found to be in violation of MCR 9.104(1)-(4); and Michigan Rules of Professional Conduct 1.1(c); 1.2(a); 1.3; 1.5(b) and (c); 3.2; and 8.4(a) and (c). The hearing panel ordered that respondent's license to practice law be suspended for 90 days, with a condition relative to the established misconduct. Costs were assessed in the amount of \$748.10.

Based on the respondent's timely filing of a petition for review and stay of discipline, the Attorney Discipline Board granted respondent's request for a stay of discipline and scheduled the matter for hearing. Respondent failed to file a brief in support and the Board dismissed respondent's petition for review but extended the stay of discipline an additional 21 days from the date of the order, August 16, 2002.