

## **NOTICE OF SUSPENSION**

Case No. 92-224-GA

**Notice Issued: May 28, 2002**

Albert Lopatin, P-16794, Southfield, Michigan, by Attorney Discipline Board Tri-County Hearing Panel #25.

1. Suspension - 180 Days;
2. Effective September 6, 2001.

The Attorney Discipline Board affirmed a hearing panel's findings that the respondent committed professional misconduct as alleged in two counts of a complaint filed in September 1992. The panel first found that the occasional use of respondent's law firm's Florida condominium by a judge of the Michigan Court of Appeals constituted a gift in violation of DR 7-110(A)<sup>1</sup> because the judge reimbursed respondent's firm at the government rate for lodging rather than the fair market value. The panel found that the respondent and the judge had a social relationship for many years and that the respondent did not intend to influence the judge's decisions, directly or indirectly. The Board also affirmed the panel's findings regarding a memorandum given by respondent to another judge of the Michigan Court of Appeals in an unrelated matter. Following oral argument before a panel of the Court of Appeals in 1986, respondent directed an associate to prepare a memorandum discussing two cases allegedly cited during oral argument but not cited in respondent's appellate brief. The panel found that the memorandum addressed to respondent was delivered to the late Judge S. Jerome Bronson, without notice to opposing counsel or the other two judges on the panel. The panel noted that passages from the memorandum were used by Judge Bronson in a handwritten memo to his law clerk and language from the memorandum was subsequently incorporated into the Court's opinion. In that matter, respondent was deemed to have engaged in an ex parte communication with a judge in violation of DR 7-110(B). The panel also found violations of MCR 9.104(1)-(4); and DR 1-102(A)(1), (5) and (6).

On remand from the Supreme Court with instructions to apply the American Bar Association's Standard for Imposing Lawyer Sanctions, the Attorney Discipline Board ordered the suspension of respondent's license to practice law for 180 days. The respondent and the Grievance Administrator filed separate applications for leave to appeal which were denied by the Court in an order entered April 23, 2002. Total costs were assessed in the amount of \$6,082.92.

<sup>1</sup> The misconduct found by the panel occurred prior to the adoption of the Michigan Rules of Professional Conduct, effective October 1, 1988.