

NOTICE OF SUSPENSION AND RESTITUTION
(By Consent)

Case Nos. 99-116-GA; 99-163-GA

Issued: April 25, 2000

Thomas H. Anthony, P-25413, Mt. Pleasant, Michigan, by the Attorney Discipline Board Isabella County Hearing Panel.

1. Suspension - 30 days.
2. Effective April 25, 2000.

The respondent and the Grievance Administrator submitted a stipulation for consent order of discipline in accordance with MCR 9.115(F)(5). The stipulation was approved by the Attorney Grievance Commission and was accepted by a hearing panel. Respondent entered a plea of no contest to the allegations contained in Formal Complaints 99-116-GA and 99-163-GA, to wit: In one matter, respondent failed to further client's interests after client signed documents respondent had prepared on client's behalf; failed to take any steps to protect client's interest or to properly withdraw after he was discharged from client's case; failed to return all paperwork and file materials to client after discharge; failed to inform the court he was discharged when he received a notice of no progress and failed to inform client of the notice; failed to inform court he was discharged when he was served with an order of dismissal of client's matter and failed to inform client of the court's order of dismissal; and failed to respond to requests for the file from client's successor counsel. In a probate matter, respondent failed to timely file a required waiver and consent and to submit an order appointing client as personal representative, which was to be filed by October 20, 1998, which resulted in the court dismissing the client's petition on October 21, 1998 and closing the file. Respondent failed to file documents to reinstate the case after obtaining permission from opposing counsel to do so; failed to execute a substitution of attorney despite numerous requests by successor counsel and delayed releasing the client file to successor counsel for a number of months after successor counsel had first requested the file; failed to keep office appointments with his clients; failed to earn any of the \$2,500 retainer fee paid by his clients; charged an excessive fee for the nature and length of his representation and his failure to complete the representation; failed to refund the unearned portion of the retainer fee upon discharge; and failed to issue a billing statement upon request. Further, respondent failed to timely answer three separate requests for investigation from the Grievance Administrator and failed to respond to one other request for investigation; failed to respond to client inquiries and phone calls regarding the status of their matters; and failed to keep clients reasonably informed regarding the status of their matters. Respondent's conduct was alleged to be in violation of MCR 9.103(C); 9.104(1)-(4) and (7); MCR 9.113(A); MCR 9.113(B)(2) and the Michigan Rules of Professional Conduct, to wit: 1.1(a)-(c); 1.3; 1.4(a), (b) and (d); 1.5(a); 1.16(d); 8.1(b); 8.4(a) and (c). The parties agreed that an order of suspension and restitution should be entered.

The hearing panel ordered that respondent's license be suspended for 30 days and that he pay restitution to the complainants in the aggregate amount of \$2,500.00. Costs were assessed in the amount of \$385.28.