NOTICE OF SUSPENSION

Case No. 93-106-GA; 93-292-GA

Issued: August 16, 2000

D. Richard Miller, P-33456, Oak Park, Michigan, by Tri-County Hearing Panel #54.

1.   Suspension - 90 days.

2.   Effective February 19, 2000.[1]

The hearing panel found, by a preponderance of the evidence, that the charges of misconduct in Counts Ten and Eleven of Formal Complaint 93-106-GA were established, to wit: Respondent accepted a $500.00 retainer fee which was accompanied by the client's written request that respondent limit his services to a specific issue (grandparents' visitation rights). The panel found that although respondent represented to his clients that he had expended 5.4 hours of service, there was no credible evidence that the services had been performed. The panel further found that in response to the client's suit in small claims court seeking recovery of the $500.00 retainer fee, respondent reacted in a professionally improper manner by filing unsupported counter-claims and serving his former client with voluminous, intimidating and unauthorized written interrogatories. Respondent's conduct was found to be in violation of MCR 9.104(1)-(4) and the Michigan Rules of Professional Conduct 1.1(c); 1.3; 1.4; 1.5; 1.15(b); 3.2; and 8.4(a)-(c). (The charges in the remaining counts of that complaint and the charges in a consolidated complaint were dismissed by the hearing panel).

The hearing panel ordered that respondent be suspended from the practice of law for a period of 90 days commencing February 19, 2000. Respondent filed a petition for review but waived the automatic stay available by request under MCR 9.115(K). On August 4, 2000,theAttorney Discipline Board dismissed respondent's petition for review for failure to file a brief. Costs were assessed in the amount of $5,805.64.

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[1] Respondent's license was revoked effective February 24, 1994. See Grievance Administrator v Miller, ADB No. 123-89, et al. Respondent has not petitioned for reinstatement and that disqualification from the practice of law remains in effect.