

NOTICE OF SUSPENSION AND RESTITUTION WITH CONDITIONS
(By Consent)

Case No. 99-080-GA

Neal Bush, P-11471, Detroit, Michigan, by the Attorney Discipline Board, Tri-County Hearing Panel #27.

1. Suspension - 180 Days.
2. Effective January 3, 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 of professional misconduct contained in Counts One, Three and Five of Formal Complaint No. 99-080-GA, to wit, in Count One, that he failed to respond to a motion for summary judgment and the action was dismissed; failed to inform his client of the dismissal; failed to file a motion seeking to have the dismissal vacated despite promising his client that he would do so; failed to keep his client reasonably informed as to the status of her matter and failed to respond to her telephone messages. In Count Three, respondent failed to contact his client's witnesses or undertake appropriate discovery; failed to comply with the defendant's discovery demands and his client's action was dismissed; failed to inform his client of the dismissal; failed to keep his client reasonably informed regarding the status of his matter; failed to respond to his client's telephone messages; and failed to keep scheduled appointments with his client. In Count Five, respondent confused the cases of his client and argued the wrong matters during oral argument; failed to send his client a copy of an amended order reflecting that the motion had been denied; failed to pursue a delayed application for appeal on his client's behalf despite promising that he would do so; and failed to keep his client reasonably informed.

Respondent's conduct was alleged to be in violation of MCR 9.104(1)-(4) and the Michigan Rules of Professional Conduct 1.1(a)-(c); 1.2(a); 1.3; 1.4(a) and (b); and 8.4(a) and (c). The parties agreed that the allegations contained in Counts Two and Four of Formal Complaint 99-080-GA may be dismissed. The parties further agreed that respondent should be suspended for a period of 180 days with conditions relevant to the established misconduct. Respondent shall also make restitution to the complainants in the amount of \$51,000.00. Costs were assessed in the amount of \$168.67.

*** - Corrected as to Effective Date only.**