

NOTICE OF SUSPENSION

Case No. 97-30-GA; 97-49-FA

Paul A. VanAssche, P-39116, Roseville, Michigan, by the Attorney Discipline Board vacating Hearing Panel Order of Dismissal; adopting Master's recommendation, in part; and imposing discipline.

- 1) Suspension - 180 days¹
- 2) August 6, 1999

The Formal Complaint charged that on July 1, 1996, respondent was convicted of the offense of driving under the influence of intoxicating liquor in the 15th Judicial Circuit Court for the County of Palm Beach, Florida. The Complaint further alleged that respondent had been the subject of two prior alcohol-related driving offenses. The hearing panel entered an order dismissing the Formal Complaint for the reason that it did not charge misconduct based upon a criminal conviction under MCR 9.104(5) or MCR 9.120(B)(2), and that there was insufficient evidence in the record to establish that respondent's conduct reflected adversely on his honesty, trustworthiness or fitness as a lawyer under the standard of conduct charged in the Complaint under MRPC 8.4(b).

Upon consideration of the Grievance Administrator's Petition for Review, the Attorney Discipline Board remanded the matter to a Master for additional testimony and a supplemental report, including the facts and circumstances surrounding respondent's OUIL convictions in the States of Maine and Florida and respondent's compliance with any terms and conditions imposed as a result of those convictions.

The Master's Supplemental Report was filed May 24, 1999. On July 15, 1999, the Board issued its Order adopting the findings and conclusions of the Master that respondent's OUIL conviction in Florida constituted professional misconduct in violation of MCR 9.104(1)-(3). The Board ruled that a suspension of 180 days was warranted in light of the aggravating effect of respondent's failure to comply with the terms of probation ordered by the Palm Beach County, Florida Circuit Court.

Costs were assessed in the amount of \$416.05.

¹ In an unrelated matter, respondent's license to practice law in Michigan was suspended for a period of one year, effective December 22, 1998. See Notice of Suspension, 12/28/98, Grievance Administrator v VanAssche, Case No. 98-171-GA; 98-200-FA.