

NOTICE OF SUSPENSION

Case No. 98-169-GA

David M. Dean, P-30903, Port Huron, Michigan, by Attorney Discipline Board Tri-County Hearing Panel #105.

- 1) Suspension - 18 Months;
- 2) Effective February 16, 1999.

Respondent was suspended from the practice of law in Michigan for a period of 30 days effective July 18, 1997, and until he complied with the requirements of MCR 9.123(A). Respondent has never filed an Affidavit of Compliance with MCR 9.123(A). Respondent was also suspended from the practice of law in Michigan for a period of 180 days effective February 20, 1998 and until reinstated pursuant to MCR 9.123(B) and MCR 9.124. Respondent has not been reinstated from either of those suspensions and remains suspended to date.

In February 1998, respondent was retained and paid \$250 to represent a client in a civil matter. The panel found that respondent failed to advise and/or notify his client that he was suspended from the practice of law, pursuant to MCR 9.119(A); held himself out as an attorney to his client, by speaking with his client after February 20, 1998 and rendering advice as to how his client's matter should proceed; accepted \$250 in fees from his client on February 24, 1998 for representation in the civil matter; and practiced law by drafting and filing in pro per pleadings on his client's behalf. Respondent also failed to timely answer an unrelated Request for Investigation. The panel concluded that respondent's conduct violated MCR 9.103(C); MCR 9.104(1)-(4), (7) and (9); MCR 9.119(A); and Michigan Rules of Professional Conduct 8.1(b); and 8.4(a)-(c).

The panel ordered that respondent be suspended from the practice of law in Michigan for a period of 18 months commencing February 16, 1999, to run consecutive to the Order of Suspension with Conditions and Restitution entered in Case No. 98-48-GA. Costs were assessed in the amount of \$1,156.69.