

NOTICE OF SUSPENSION AND RESTITUTION
(Pending Motion for Reconsideration)

Case No. 97-214-GA

David A. Woelkers, P-39197, Ann Arbor, Michigan, by the Attorney Discipline Board increasing Washtenaw County Hearing Panel #4's Order of Suspension (30 Days) and Restitution.

- 1) Suspension - Three Years;
- 2) Effective February 18, 1999.

Respondent represented the complainant, the plaintiff in a civil matter. Respondent received from the defendants settlement funds totalling \$21,000. The panel found, and the Board affirmed, that for almost three years, respondent withdrew funds of over \$9,000 from his client trust account and converted them to his own use; commingled client funds with personal funds; and failed to make prompt, full restitution to the complainant. The panel found, and the Board affirmed, that respondent's conduct violated Michigan Rules of Professional Conduct 1.15(a)-(c) and 8.4(b). Respondent's conduct was also alleged to be in violation of MCR 9.104(1)-(4); and Michigan Rules of Professional Conduct 8.4(a) and (c). The panel ordered that respondent be suspended from the practice of law for 30 days and make restitution to the complainant in the amount of \$256.51.

The Grievance Administrator and the respondent each filed a petition for review, and respondent received an automatic stay of discipline. In an order and opinion issued December 28, 1998, the Board increased discipline to a three-year suspension. The parties thereafter stipulated that the commencement date of the suspension would be February 18, 1999. Respondent thereafter filed a motion for reconsideration, which is pending before the Board.

Costs were assessed in the total amount of \$1,021.41.