

**NOTICE OF SUSPENSION**  
**(Pending Appeal)**

Case No. 96-230-GA

Michael A. Conway, P-12165, Bloomfield Hills, Michigan, by Attorney Discipline Board  
Tri-County Hearing Panel #1.

- 1) Suspension - 18 Months;
- 2) Effective January 6, 1999.

Respondent was retained to represent the plaintiff in a condemnation matter. The matter was mediated in the plaintiff's favor for \$150,000, both parties accepted the mediation award and, shortly thereafter, two drafts, one in the amount of \$50,000 and the other in the amount of \$100,000, both made payable to the order of the plaintiff and respondent, were forwarded to respondent. The panel found that respondent failed to promptly advise his client of his receipt of the funds; failed to deposit and maintain the funds in a trust account; commingled the funds with personal funds; failed to keep his client informed concerning the status of the funds; and misappropriated the funds.

In a separate matter, the complainant retained respondent to represent him in a criminal matter pertaining to the termination of the complainant's placement in a work release program. The complainant signed over to respondent a check he had received from his parents in the amount of \$35,000, so that respondent could pay the complainant's personal bills while he was incarcerated. The panel found that respondent failed to deposit and maintain the funds in a trust account; commingled the funds with personal funds; and misappropriated the funds.

The panel concluded that respondent's conduct violated MCR 9.104(4) and Michigan Rules of Professional Conduct 1.15(a) and (b); and 8.4(a), and ordered that respondent be suspended from the practice of law in Michigan for 18 months. Costs were assessed in the amount of \$2,155.76.

Petitions for review were filed by the respondent, the Grievance Administrator and the complainant. Respondent also filed a request for stay of discipline, which was granted on a temporary basis by the Attorney Discipline Board. Respondent thereafter filed a complaint for mandamus with the Michigan Supreme Court, seeking a continued stay of discipline. The Court also granted the request for stay on a temporary basis. In an order entered December 30, 1998, the Court denied the complaint for mandamus and vacated the temporary stay of discipline effective January 6, 1999. Review proceedings are scheduled for February 1999.