

NOTICE OF SUSPENSION AND RESTITUTION WITH CONDITIONS

Case No. 96-267-GA

Horace E. Stone, P-21056, Detroit, Michigan, by the Attorney Discipline Board reducing Tri-County Hearing Panel #7's Order of Suspension for 90 days.

- 1) Suspension - 30 Days;
- 2) Effective January 21, 1999.

Respondent was retained to probate a decedent's estate and was appointed temporary personal representative. He assigned administrative tasks to his stepson, a nonlawyer employee of his law firm. Respondent, as temporary personal representative, opened a bank account in the estate's name and deposited estate assets in the account. His stepson misappropriated \$3,398 from the estate account during a one-month period. The panel found that respondent failed to take reasonable remedial action to mitigate the consequences of his stepson's actions upon learning of the misappropriation; failed to inform the beneficiaries of the misappropriation; failed to notify the bonding company and his firm's insurance company of the misappropriation; failed to fully reimburse the misappropriated funds to the estate; and neglected the estate.

In a separate matter, respondent was retained to represent the plaintiff in a personal injury matter, and assigned the matter to an associate attorney employed by his law firm. The panel found that respondent failed to properly supervise the associate's handling of the file; failed to take reasonable remedial action after learning that the associate had mishandled the file; and failed to respond to the plaintiff's requests for information regarding the status of her matter.

Respondent's conduct was found to be in violation of MCR 9.104(1)-(4); and Michigan Rules of Professional Conduct 1.1(c); 1.3; 1.4; 3.2; 5.1(b); 5.3(a)-(c); and 8.4(a) and (c).

The panel ordered that respondent be suspended from the practice of law for 90 days, make restitution to the estate in the amount of \$80.11, and complete the State Bar of Michigan Law Office Management Course. Costs were assessed in the amount of \$2294.15.

Respondent filed a petition for review and received an automatic stay of discipline. In an order issued April 14, 1998, the Attorney Discipline Board reduced the suspension to 30 days, affirmed the restitution and law office management course condition, and added further conditions relevant to the established misconduct, including continuing legal education in probate law. Respondent filed an application for leave to appeal, which was denied by the Michigan Supreme Court in an order entered December 30, 1998.