

## **NOTICE OF SUSPENSION WITH CONDITIONS**

Case Nos. 98-201-GA; 98-222-FA

Rudolph A. Wartella, III, P-34709, Harrison Township, Michigan, by Attorney Discipline Board Tri-County Hearing Panel #102.

- 1) Suspension - 180 Days;
- 2) Effective January 20, 1999.

Respondent was retained by the first complainant to represent him in an appeal to the United States Court of Appeals for the Sixth Circuit. The panel found, by default, that respondent neglected and abandoned the matter, leaving the complainant in the position of having to seek relief from the court without benefit of counsel in pro per; and failed to answer the Request for Investigation.

In a separate matter, respondent filed a civil action against a security company on his clients' behalf. Respondent later filed a second complaint against the security company which simply copied the allegations from the first complaint. The court granted summary disposition to the defendant, with prejudice. The panel found, by default, that respondent's second complaint against the security company was frivolous, caused the court to expend unnecessary time and resources as a result of his second filing of the law suit, and the security company was required to spend unnecessary attorney fees and costs in defending the second suit; and he failed to answer the Request for Investigation. Respondent also failed to answer the Formal Complaints and failed to appear at the disciplinary hearing. The panel found that respondent's conduct violated MCR 9.103(C); MCR 9.104(1)-(4) and (7); MCR 9.113(A) and (B)(2); and Michigan Rules of Professional Conduct 1.1(c); 1.3; 1.4(a) and (b); 1.16(d); 3.1; 3.2; 4.4; 8.1(b); and 8.4(a) and (c).

The panel ordered that respondent be suspended from the practice of law in Michigan for 180 days, and return the first complainant's client file to him. Costs were assessed in the amount of \$272.71.