

NOTICE OF SUSPENSION AND RESTITUTION
(By Consent)

Case Nos. 98-11-GA; 98-25-FA; 98-53-GA; 98-74-FA

William Leo Cahalan, Jr., P-40433, Petoskey, Michigan, by
Attorney Discipline Board Grand Traverse County Hearing Panel.

- 1) Suspension - Two Years and Nine Months;
- 2) Effective October 19, 1998.¹

Respondent was retained to represent the first complainant in a domestic relations matter. She paid him a \$5,000 fee plus \$1,000 in advanced costs, for a total of \$6,000. He deposited the funds into his business checking account. Respondent pled no contest to allegations that he commingled client funds with his own funds; withdrew funds from his account, resulting in a misappropriation of the advanced costs; and failed to refund to the complainant the \$1,000 to which she is entitled.

The second complainant paid respondent \$250 to represent himself and his wife in a civil matter. Respondent pled no contest to allegations that he neglected the matter; knowingly made a false representation to the complainant regarding the status of the matter; and failed to refund the unearned fee upon demand.

Respondent was retained by the third complainant to represent her brother on appeal of a criminal conviction, and was paid \$1,000 towards the representation. Respondent pled no contest to allegations that he neglected the matter and knowingly made a false representation in his answer to the Request for Investigation. He also pled no contest to allegations that he failed to answer the Formal Complaints.

Based on respondent's no contest plea, the panel concluded that his conduct violated MCR 9.103(C); MCR 9.104(1)-(4) and (7); MCR 9.113(A); and Michigan Rules of Professional Conduct 1.1(c); 1.2(a); 1.3; 1.4; 1.5(a); 1.15(a)-(c); 1.16(d); 3.2; 8.1(a); and 8.4(a)-(c).

The parties stipulated that respondent be suspended from the practice of law in Michigan for a period of two years and nine months, effective October 19, 1998, and that he make restitution in the total amount of \$7,759.50. Costs were assessed in the amount of \$169.21.

¹Respondent has been continuously suspended from the practice

of law in Michigan since August 9, 1997.