

NOTICE OF SUSPENSION
(By Consent)

Case No. 97-269-GA

Theodore A. Shaner, Jr., P-31651, Sterling Heights, Michigan, by Attorney Discipline Board Tri-County Hearing Panel #101.

- 1) Suspension - Sixty (60) Days;
- 2) Effective June 3, 1998.1.

Respondent was retained to represent the complainants in a medical malpractice matter, and filed an action in circuit court. The defendants thereafter filed a motion for summary disposition, which was granted by the court. The defendants thereafter filed a Motion for Determination that Plaintiffs' Cause of Action is Frivolous and/or Motion for Costs and Attorney Fees. A hearing on the that motion was conducted, the defendants filed a motion seeking entry of an order granting defendants' motion pursuant to MCR 2.602, the motion was granted by the Court, and costs were assessed at \$17,762.62.

Respondent pled no contest to allegations that failed to advise his clients that defendants' had filed a Motion for Determination that Plaintiffs' Cause of Action is Frivolous and/or Motion for Costs and Attorney Fees; failed to advise his clients that defendants' motion was set for hearing before the court; failed to advise his clients that defendants' motion was granted by the court; and failed to advise his clients that he received defendants' motion seeking entry, pursuant to MCR 2.602, of an order granting defendants' motion.

Respondent pled no contest to charges that his conduct violated MCR 9.104(1)-(4); and Michigan Rules of Professional Conduct 1.4(a) and (b); and 8.4(a) and (c).

The parties stipulated that respondent be suspended from the practice of law in Michigan for sixty (60) days. Costs were assessed in the amount of \$46.01.

1. 1. Respondent was also suspended from the practice of law for failure to pay his annual dues to the State Bar of Michigan, effective February 20, 1998. That suspension remains in effect.

