

NOTICE OF SUSPENSION AND RESTITUTION

Case No. 96-193-GA

T. Patrick Freydl, P-13705, Bloomfield Hills, Michigan, by the Attorney Discipline Board modifying Tri-County Hearing Panel #83's findings of misconduct and affirming suspension and restitution.

- 1) Suspension - Three Years;
- 2) Effective May 6, 1998.1

Respondent was retained to represent the first complainant in a partnership dissolution. Based on respondent's advice, the complainant removed the remaining \$25,000 in the partnership account and tendered the funds to him to hold in escrow. The panel found, and the Board affirmed, that respondent failed to deposit and maintain the funds in a trust account; failed to promptly pay to the complainant, or any interested third party, the funds to which they were entitled; failed to keep the complainant reasonably informed concerning the status of the funds and failed to respond to her inquiries; failed to provide an accounting of the funds to the complainant, or any interested third party; misappropriated half the funds, plus any accrued and agreed upon interest; neglected the matter; and failed to answer the Request for Investigation.

Respondent was retained to represent the second complainant in a contract matter. The panel found, and the Board affirmed, that respondent failed to keep the complainant reasonably informed and failed to answer the Request for Investigation. Respondent also failed to answer a separate, unrelated Request for Investigation.

Respondent's conduct was found to be in violation of MCR 9.103(C); MCR 9.104(2)-(4) and (7); MCR 9.113(A) and (B)(2); and Michigan Rules of Professional Conduct 1.1(c); 1.4; 1.15(a) and (b); 8.1(b); and 8.4(a) and (b). The panel ordered that respondent be suspended from the practice of law for three years and make restitution to the first complainant in the amount of \$16,429.58.

Respondent filed petitions for review and stay of discipline. The petition for stay was denied. In an order and opinion issued November 3, 1998, the Board modified the panel's findings of misconduct by dismissing allegations, regarding the second complainant, that respondent failed to take all appropriate and necessary legal action to protect the complainant's interests; and prepared, executed and delivered a check to the complainant, in the amount of \$10,000, when he knew or should have known that the account had been closed and that

the bank would not honor the check. The Board affirmed the three-year suspension and the restitution ordered by the panel. Costs were assessed in the total amount of \$4,033.49.

1 Respondent has been continuously suspended from the practice of law in Michigan since January 28, 1997.