

## NOTICE OF SUSPENSION AND RESTITUTION WITH CONDITIONS

Case No. 97-288-GA

Gregory L. Wilkins, P-44281, Detroit, Michigan, by the Attorney Discipline Board affirming Tri-County Hearing Panel #35's Order of Suspension and Restitution with Conditions and modifying the effective date.

- 1) Suspension - Three Years;
- 2) Effective June 8, 1998.<sup>1</sup>

Respondent was retained to represent the complainant in a personal injury matter, and filed suit in Wayne County Circuit Court. The defendants' insurance company later issued two checks payable to respondent and the complainant, one for \$1,000 and one for \$1,505, in settlement of the suit. The panel found that respondent failed to deposit and maintain the funds in a trust account; failed to promptly pay the complainant's physician the funds to which he was entitled; misappropriated the funds; failed to enter into a written contingency fee agreement with the complainant to collect his one-third fee; and overcharged the complainant \$98.20 in costs. The panel concluded that respondent's conduct violated MCR 8.121(F); MCR 9.104(1)-(4); and Michigan Rules of Professional Conduct 1.4(a); 1.5(c); 1.15(a) and (b); 1.16(d); and 8.4(a)-(c).

The panel ordered that respondent be suspended from the practice of law in Michigan for three years consecutive to the one-year suspension imposed by Tri-County Hearing Panel #9 in Case Nos. 97-81-GA et al; make restitution to the complainant in the amount of \$123.23 and to the complainant's physician in the amount of \$505.00; and be subject to other conditions relevant to the established misconduct. Costs were assessed in the amount of \$750.99.

Respondent filed a petition for review. In an order issued November 30, 1998, the Attorney Discipline Board affirmed the suspension, restitution and conditions, but modified the effective date to June 8, 1998, to run concurrent to the one-year suspension in Case Nos. 97-81-GA et al.

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<sup>1</sup>Respondent has been continuously suspended from the practice of law in Michigan since September 25, 1997.