

NOTICE OF SUSPENSION

Case Nos. 96-18-GA; 96-36-FA

T. Patrick Freydl, P-13705, Birmingham, Michigan, by the Attorney Discipline Board affirming Tri-County Hearing Panel #80's Order of Suspension and vacating restitution.

- 1) Suspension - Thirty (30) Days;
- 2) Effective April 22, 1998.

Respondent hired the complainant to design customized computer software. The panel found, by default, that respondent tendered two checks payable to the complainant which were dishonored upon presentment; failed to answer the Request for Investigation; and failed to timely answer the Formal Complaint. Respondent's conduct was found to be in violation of MCR 9.103(C); MCR 9.104(1)-(4) and (7); MCR 9.113(A) and (B)(2); and Michigan Rules of Professional Conduct 8.1(b) and 8.4(a)-(c). The panel ordered that respondent be suspended from the practice of law for thirty days and make restitution to the complainant in the amount of \$2,583.19.

Respondent filed a petition for review. On June 5, 1997, the Attorney Discipline Board entered an order affirming the suspension and vacating restitution. The Board held that failure to answer the Request for Investigation warranted a thirty-day suspension, but:

[W]hile we are not prepared to say that restitution would never be appropriate where the complainant is a vendor of goods and services, rather than a client or former client, we do not believe that an award of restitution is appropriate under the circumstances in this case.

Costs were assessed in the amount of \$668.53.

Respondent filed an application for leave to appeal, which was denied by the Michigan Supreme Court in an order entered March 31, 1998 (amended April 2, 1998).¹

1. Respondent was also suspended for failure to pay his annual dues to the State Bar of Michigan effective January 28, 1997. That suspension remains in effect.

