

NOTICE OF SUSPENSION AND RESTITUTION

Case Nos. 97-187-GA; 97-223-FA

Roy C. Ashmall, P-30127, Ypsilanti, Michigan, by Attorney Discipline Board Washtenaw County Hearing Panel #3.

- 1) Suspension - 180 Days;
- 2) Effective December 24, 1997.

The complainant retained respondent to represent her in a civil matter. Respondent instituted litigation in Washtenaw County Circuit Court. A counter-complaint was filed against the complainant by a defendant. The panel found, by default, that respondent failed to engage in discovery; failed to appear for mediation; failed to appear at a settlement conference; failed to respond to inquiries made by opposing counsel; failed to answer a Motion for Involuntary Dismissal, resulting in the complainant's suit being dismissed involuntarily; failed to pay the \$150 mediation fee; failed to appear for a settlement/status conference; failed to respond to a Motion to Reinstate the Dismissed Action filed by a defendant/counter-plaintiff which sought reinstatement of the case from a no progress dismissal in order to collect \$2,406 in costs against the complainant; failed to advise the complainant of significant events in the litigation; failed to maintain reasonable communication with the complainant; failed to answer the Request for Investigation; and failed to answer the Formal Complaints. Respondent also failed to appear at the disciplinary hearing.

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 1.1(c); 1.2(a); 1.3; 1.4; 3.2; 8.1(b); and 8.4(a) and (c).

The panel ordered that respondent be suspended from the practice of law in Michigan for 180 days, make restitution to the complainant in the amount of \$500, and indemnify the complainant for the \$2,406 in costs assessed against her in the underlying action. Costs were assessed in the amount of \$345.90.

