

NOTICE OF SUSPENSION WITH CONDITIONS

Case Nos. 97-189-GA; 97-220-FA

Don C. Thigpen, P-46040, Oak Park, Michigan, by Attorney Discipline Board Tri-County Hearing Panel #63.

- 1) Suspension - Three (3) Years;
- 2) Effective October 20, 1997.

Respondent was retained to represent the complainant, the plaintiff in a civil action seeking restitution for an assault and battery committed by the defendant. The panel found, by default, that respondent neglected the matter. Respondent acted as the prosecuting attorney on behalf of the City of Highland Park in a misdemeanor assault and battery case against the same defendant. Respondent appeared at the defendant's sentencing and participated as the prosecuting attorney on behalf of the City of Highland Park. The panel found, by default, that respondent accepted representation of the complainant in her private civil matter although he acted as the prosecutor in the criminal matter which gave rise to the civil claim; and participated as a prosecutor in a criminal matter when he was representing the victim in a civil action which depended upon the same set of facts. Respondent also failed to answer the Request for Investigation; failed to answer the Formal Complaints; and 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); 1.3; 1.4; 1.11(a) and (c); 3.2; 8.1(b); and 8.4(a) and (c).

The panel ordered that respondent be suspended from the practice of law for three years commencing October 20, 1997, the date of the discipline hearing.¹ The panel further ordered that prior to respondent's reinstatement he should successfully pass the Michigan Bar Examination and complete one continuing legal education course each in law office management and professional responsibility. Costs were assessed in the amount of \$196.44.

1. Respondent has been continuously suspended from the practice of law in Michigan since March 5, 1996.

