

## NOTICE OF SUSPENSION

Case Nos. 97-63-GA; 97-100-FA

Mark S. Kistner, P-34217, Warren, Michigan, by Attorney Discipline Board Tri-County Hearing Panel #106.

- 1) Suspension - Thirty (30) Days;
- 2) Effective October 18, 1997.

The first complainant paid respondent \$1000 to probate the estate of her deceased sister. The panel found, by default and respondent's admissions, that respondent neglected the matter; failed to promptly execute a substitution of attorneys upon his discharge; failed to release the client file to the complainant or successor counsel until six months after his discharge; and charged and attempted to collect a clearly excessive fee.

The second complainant paid respondent \$300 to represent her in divorce litigation. The third complainant paid respondent \$250 towards a \$500 fee to seek modification of child support and custody in post-judgment divorce proceedings. The panel found that respondent neglected both matters. The panel further found that respondent failed to answer the Formal Complaints.

The panel concluded that respondent's conduct violated MCR 9.104(1)-(4) and (7); and Michigan Rules of Professional Conduct 1.1(a)-(c); 1.2(a); 1.3; 1.4; 1.5(a); 1.16(a) and (d); 3.2; 8.1(b); and 8.4(a)-(c).

The panel ordered that respondent be suspended from the practice of law for thirty days. Costs were assessed in the amount of \$293.92.

Respondent filed petitions for review and automatic stay of discipline. In an order issued September 26, 1997, the Attorney Discipline Board dismissed the petition for review for respondent's failure to file the required brief in support of his petition for review. The suspension is deemed to be effective October 18, 1997.

