

NOTICE OF SUSPENSION AND RESTITUTION
(By Consent)

Case Nos. 97-101-GA; 97-134-FA

David A. Maxon, P-17225, Southfield, Michigan, by Attorney Discipline Board Tri-County Hearing Panel #84.

- 1) Suspension - 179 Days;
- 2) Effective September 26, 1997.

The complainant retained respondent to represent him before the Patent Office in seeking a grant of a patent. The complainant paid respondent \$1,780 in payment of one-half of the quoted fee for the processing of a patent application, and later entrusted him with a check in the amount of \$887 to be used to pay the patent application fees. Respondent entered a plea of no contest to allegations that he neglected the patent application, allowing it to become abandoned; failed to notify the complainant of the "Notice to File Missing Parts" issued by the Patent Office concerning the non-payment of the filing fee; failed to notify the complainant that the Patent Office had designated his patent application as having been abandoned; despite his assurances that he would do so, he failed to promptly seek to revive the patent application; failed to cooperate with successor counsel in efforts to revive the abandoned patent; and failed to maintain reasonable communications with the complainant.

Respondent's conduct was found to be in violation of MCR 9.104(1)-(4); and Michigan Rules of Professional Conduct 1.1(a)-(c); 1.2(a); 1.3; 1.4; 3.2; and 8.4(a) and (c).

Based on the stipulation of the parties, the panel ordered that respondent be suspended from the practice of law in Michigan for 179 days commencing September 26, 1997, and make restitution to the complainant in the amount of \$1,206.00. Costs were assessed in the amount of \$367.56.

1. Respondent has been continuously suspended from the practice of law in Michigan since October 1, 1986. His petition for reinstatement was granted on February 19, 1993; however, he has not yet complied with the conditions of that order.

