

## NOTICE OF SUSPENSION

Case Nos. 96-145-GA; 96-159-FA

William F. Klintworth, P-30993, Traverse City, Michigan, by the Attorney Discipline Board vacating Kent County Hearing Panel #2's Order of Reprimand.

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

In June 1995, respondent accepted a \$3,000 retainer fee to represent the complainant in a criminal matter. A hearing was scheduled in the matter for August 29, 1995. On August 18, 1995, respondent was incarcerated due to failure to comply with the terms of his probation in a tax matter and remained incarcerated until November 3, 1995. The panel found, by default, that respondent failed to properly withdraw from the representation when he could no longer represent his client due to his incarceration; failed to adequately communicate with his client regarding his inability to appear to represent him; and arranged for substitute counsel to appear in his place at the August 29, 1995 hearing without obtaining the complainant's prior approval and consent. Respondent's conduct was found to be in violation of MCR 9.104(1)-(4); and Michigan Rules of Professional Conduct 1.1(c); 1.4(a) and (b); 1.16(d); and 8.4(a) and (c). The panel ordered that respondent be reprimanded.

The Grievance Administrator filed a petition for review seeking increased discipline. On May 21, 1997, the Attorney Discipline Board entered an order vacating the panel's Order of Reprimand and imposing a thirty-day suspension commencing June 18, 1997. The suspension in the instant matter is consecutive to the sixty-day suspension imposed in Case No. 95-175-GA, which commenced on April 19, 1997.

Costs were assessed in the total amount of \$948.90.