

## NOTICE OF SUSPENSION

Case No. 96-175-GA

William J. Braaksma, P-28003, Portage, Michigan, by Attorney Discipline Board Kalamazoo County Hearing Panel #2.

- 1) Suspension - Two (2) Years;
- 2) Effective January 21, 1997.

Respondent was retained to represent the complainant in a personal injury claim, and filed suit on her behalf in Berrien County Circuit Court. He later negotiated a settlement on the complainant's behalf with the defendant's insurance company. He thereafter received a settlement draft from the insurance company in the amount of \$7,500, made payable to both himself and the complainant.

The panel found, by a preponderance of the evidence, that respondent failed to promptly notify the complainant of his receipt of the settlement proceeds; endorsed, or caused the endorsement of, the complainant's name to the check without her knowledge or consent; failed to maintain the funds in trust as a fiduciary and misappropriated the funds; and failed to timely pay the complainant any portion of the funds. Respondent's conduct was found to be in violation of MCR 9.104(1)-(4); and Michigan Rules of Professional Conduct 1.4, 1.15(a) and (b), and 8.4(a)-(c).

The panel ordered that respondent be suspended from the practice of law for two years. Costs were assessed in the amount of \$625.76.

Respondent filed a petition for review and request for stay of discipline. The request for stay was denied by the Attorney Discipline Board, and the suspension was deemed to be effective January 21, 1997. In an order entered April 15, 1997, respondent's petition for review was dismissed for his failure to file the required brief, despite receiving an extension.

NOTE: Respondent has been continuously suspended from the practice of law since January 17, 1996.