

NOTICE OF SUSPENSION

Case Nos. 96-231-GA; 96-250-FA

Samuel V. Thomas, P-26693, Detroit, Michigan, by Attorney Discipline Board Tri-County Hearing Panel #5.

- 1) Suspension - 180 Days;
- 2) Effective December 27, 1996.

Respondent was retained by the complainant to file a medical malpractice action on his behalf. The panel found, by default, that respondent incompetently represented the complainant in that he filed the medical malpractice action without providing the requisite notice to the health care professional or facility as required by MCL 600.2912(B)(1), causing the complainant's complaint to be dismissed with prejudice. Respondent appealed the Order of Dismissal to the Michigan Court of Appeals. The panel found that respondent neglected the matter as follows: He failed to pay to the trial court the \$25 transmittal required fee, causing the appeal to be subject to dismissal; he failed to keep the complainant reasonably informed concerning the status of the appeal; and, without notice to the complainant and without taking other reasonable steps to protect the complainant's interests, respondent abandoned the representation. 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(b) and (c); 1.3; 1.4(a) and (b); 1.16(d); 3.2; 8.1(b); and 8.4(a) and (c).

The panel ordered that respondent be suspended from the practice of law in Michigan for 180 days retroactive to December 27, 1996, the effective date of the panel's Order of Interim Suspension. Costs were assessed in the amount of \$274.11.

NOTE: Respondent was also suspended for failure to pay his annual dues to the State Bar of Michigan, effective January 28, 1997. His license to practice law was revoked in an unrelated disciplinary matter, effective April 17, 1997.