

NOTICE OF SUSPENSION WITH CONDITIONS

Case Nos. 95-70-GA; 95-99-FA

William J. Berardo, P-30982, Berkley, Michigan, by the Attorney Discipline Board affirming Tri-County Hearing Panel #79's Order of Suspension and Modifying Conditions.

- 1) Suspension - Thirty (30) Days;
- 2) Effective February 13, 1997.

Respondent was appointed as successor appellate counsel for the first complainant, in the appeal of a plea based conviction of breaking and entering an occupied dwelling. The panel found that respondent neglected the matter.

Respondent was appointed as trial counsel for the second complainant, who was charged with one count of illegal entry without owner's permission and two counts of malicious destruction of property less than \$100. The panel found that respondent neglected the matter. Respondent admitted that he failed to answer the Request for Investigation.

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); MCR 9.113(B)(2); and Michigan Rules of Professional Conduct 1.1(a)-(c), 1.3, 1.4, 3.2, 3.4(c), 8.1(b) and 8.4(a) and (c).

On October 23, 1996, the panel entered an Order of Suspension (thirty days) With Conditions. The second complainant and the respondent each filed a petition for review. In an order entered January 22, 1997, the Attorney Discipline Board affirmed the thirty-day suspension and modified the conditions imposed by the panel. Costs were assessed in the amount of \$1101.83.