

NOTICE OF SUSPENSION AND RESTITUTION

Case Nos. 95-248-GA; 95-278-FA; 96-2-GA; 96-28-FA

Lawrence A. Baumgartner, P-25163, Mt. Clemens, Michigan, by
Attorney Discipline Board Tri-County Hearing Panel #62.

- 1) Suspension - sixty (60) days;
- 2) Effective October 8, 1996.

Respondent was retained in post judgment of divorce proceedings concerning child support. An opinion and order were later issued by the court. The client paid respondent a \$1,000 fee to file an appeal of the opinion and order. The panel found, by default, that respondent neglected the matter; failed to refund the unearned fee; failed to answer the Request for Investigation; and failed to answer the Formal Complaint.

Respondent was retained to represent another client in divorce proceedings. Approximately four years later, an amended judgment of divorce was issued by the court following a remand by the Court of Appeals. The client then retained respondent to file an appeal of the amended judgment. The panel found, by default, that respondent neglected the matter; failed to answer the Request for Investigation; and failed to answer the Formal Complaint.

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(a)-(c); 1.2(a); 1.3; 1.4; 1.5(a); 1.15(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 for sixty days and make restitution to the complainants in the total amount of \$3,500. Costs were assessed in the amount of \$734.91.

Respondent filed a petition for review and automatic stay of discipline. The petition for review was dismissed for failure to file a required brief, and the suspension is deemed to be effective October 8, 1996.