

NOTICE OF SUSPENSION

Case No. 93-197-GA

Stephen C. Moultrup, P-38069, Clarkston, MI, by the Attorney Discipline Board affirming a hearing panel Order of Suspension.

- 1) Suspension - sixty (60) days;
- 2) Effective June 21, 1996.

A husband and wife were the sole owners of a corporation. Respondent represented the husband in a divorce action. By terms of the judgment of divorce, the wife was awarded the corporation. Prior to the entry of the judgment of divorce, a \$2,316.35 judgment was entered in the corporation's favor in a district court case. After the judgment of divorce was entered, respondent filed an appearance on the corporation's behalf in the district court case. Respondent entered into a settlement with the defendant for \$1,700 without the knowledge of the wife, and received a \$1,700 cashier's check made payable to the order of respondent and the corporation. Tri-County Hearing Panel #64 found, by a preponderance of the evidence, that respondent failed to deposit the funds into a trust account; commingled the funds with his own; paid himself a \$566.61 attorney fee from the proceeds without the knowledge or consent of the wife; failed to deliver to the corporation the funds to which it was entitled; and misappropriated and/or improperly delivered the remaining \$1,133.39 to the husband, an act not authorized by the corporation. The husband later gave respondent the \$1,333.39 in payment of his attorney fees. The panel further found that respondent failed to advise the wife or her counsel that he had settled the matter, paid himself a \$566.61 attorney fee, or paid the husband \$1,133.39; and misrepresented to the wife that he had taken no action in the lawsuit since the entry of the judgment of divorce. Respondent's conduct was found to be in violation of MCR 9.104(1)-(4); and the Michigan Rules of Professional Conduct, 1.4; 1.5(a); 1.15(a)-(c); 4.1; and 8.4(a)-(c). On January 24, 1995, the panel entered an order of suspension for sixty days.

The Grievance Administrator and the respondent each filed a petition for review. On September 27, 1995, the Attorney Discipline Board affirmed the hearing panel order of suspension. The respondent and the Administrator each filed an application for leave to appeal, which were denied by the Michigan Supreme Court on May 31, 1996. Costs were assessed in the amount of \$812.03.