

## NOTICE OF SUSPENSION AND RESTITUTION

Case Nos. 95-237-GA; 95-262-FA

Wendell E. Bailey, P-26705, Southfield, Michigan, by  
Attorney Discipline Board Tri-County Hearing Panel #69.

- 1) Suspension - ninety (90) days;
- 2) Effective April 26, 1996.

Respondent was retained to represent a client in bankruptcy proceedings. The parties stipulated that respondent signed or caused to be signed his client's name to the bankruptcy petition without her knowledge or consent; filed the petition without informing his client of the filing or the fact that her signature had been placed on the pleading; when his client learned of the fraudulent filing, refused to correct the false statements, and instead counseled his client that she had to sign pleadings which would allow the matter to be dismissed without explanation to the tribunal; failed to appear at a creditors meeting; failed to respond to the trustee's motion for dismissal; and failed to respond to the trustee's motion for costs of debtor's counsel for failure to attend.

Respondent was retained to represent another client in bankruptcy proceedings. The parties stipulated that respondent failed to cancel the reaffirmation agreement with Household Finance Corporation, despite being instructed to do so by his client; and, neglected to file a cancellation of the reaffirmation agreement within 60 days allowed for such.

Respondent's conduct was found to be in violation of MCR 9.104(1)-(4); and Michigan Rules of Professional Conduct 1.1; 1.3; 1.4; 3.2; 3.3(a)(1)and(2); 3.4(c); and 8.4(a)-(c).

The panel ordered that respondent be suspended from the practice of law for ninety days and make restitution to the first client in the amount of \$800.00. Costs were assessed in the amount of \$529.18.