

NOTICE OF SUSPENSION

Case Nos. 96-46-GA; 96-70-FA

Thomas A. Ricca, P-23561, Southfield, Michigan, by Attorney Discipline Board Tri-County Hearing Panel #63.

- 1) Suspension - 180 days;
- 2) Effective June 6, 1996.

Respondent was retained to substitute as counsel for the defendant in the appeal of two murder convictions, and filed a supplemental brief on the defendant's behalf. The Court of Appeals affirmed the convictions. Respondent filed a delayed application for leave to appeal in the Michigan Supreme Court. It was denied. The defendant and his family later requested the return of his transcripts and client file from respondent so that he could pursue further appellate relief through other counsel. The panel found, by default, that respondent failed and/or refused to comply with the requests for the return of the defendant's property; failed and/or refused to comply with the repeated requests of the defendant's new attorney for the return of the client file; failed to respond in any manner to the requests for return of the defendant's property or to release the property to him; failed to answer the Request for Investigation; and failed to answer the Formal Complaints. Respondent also failed to attend 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 the Michigan Rules of Professional Conduct, 1.4(a); 1.15(a)and(c); 1.16(d); 8.1(b); and 8.4(a)and(c).

Costs were assessed in the amount of \$178.58.