

NOTICE OF SUSPENSION

Case No. 92-260-GA

Jerome S. O'Connor, P-18405, Detroit, Michigan, by the Attorney Discipline Board affirming Tri-County Hearing Panel #1's Order of Suspension.

- 1) Suspension - 120 days;
- 2) Effective June 4, 1996.

Respondent was appointed to pursue post-conviction relief on behalf of a defendant convicted of two counts each of Armed Robbery and Possession of a Firearm During the Commission of a Felony. Due to the defendant's failure to timely request appellate counsel, he had lost his appeal of right prior to respondent's appointment. Less than two months later, the transcripts concerning the plea based convictions and sentencing were filed in the trial court. The panel found, by a preponderance of the evidence, that respondent failed to file any trial court motions on the defendant's behalf; failed to file a Delayed Application for Leave to Appeal; and allowed the appeal to languish and failed to seek to withdraw from the appeal until after the defendant filed a Request for Investigation against him for neglect of the appeal and sued respondent for legal malpractice arising from his inaction. Respondent's conduct was found to be in violation of MCR 9.104(1)-(4); and the Michigan Rules of Professional Conduct, 1.1(c); 1.3; 3.2; and 8.4(a)and(c). On January 25, 1995, the panel entered an Order of Suspension for 120 days.

Respondent filed a petition for review. On June 7, 1995, the Attorney Discipline Board entered an Order Affirming Hearing Panel Order of Suspension. Respondent filed an application for leave to appeal, which was denied by the Michigan Supreme Court in an order entered May 14, 1996. Costs were assessed in the amount of \$2771.65.