NOTICE OF SUSPENSION WITH CONDITIONS

Case Nos. 95-220-GA; 95-236-FA; 95-232-GA

Stephen J. Chovanec, P-42146, Kalamazoo, Michigan, by Attorney Discipline Board Kalamazoo County Hearing Panel #1.

1) Suspension - three (3) years;

2) Effective February 20, 1996.

Respondent was suspended from the practice of law for non-payment of bar dues on February 9, 1995. The panel found, by default, that during the period of suspension, respondent appeared on behalf of a client at a post-judgment of divorce show cause proceeding; appeared on her behalf for a continued show cause hearing; failed to inform the court of his suspension; and failed to provide written notification to his clients, courts or opposing counsel of his suspension. Respondent also failed to answer the Request for Investigation and the Formal Complaint.

Respondent was retained to represent a woman in a collection action. The panel found, by default, that respondent neglected the matter; knowingly made numerous false statements to his client; failed to refund the unearned $200 retainer fee or to release the client file upon request; accepted payment of $200 from his client on March 31, 1995, despite his February 9, 1995 suspension; and continued to hold himself out as an attorney licensed to practice law while suspended; 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); MCR 9.119(D)and(E); MCL 600.916; MSA 27A.916; 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; 3.4(c); 5.5(a); 8.1(b); and 8.4(a)-(c).

The panel ordered that respondent be suspended from the practice of law for three years, subject to conditions including restitution to the second client in the amount of $600. Costs were assessed in the amount of $283.89.

NOTE: Respondent was also suspended from the practice of law effective January 29, 1996, for non-payment of bar dues.