

NOTICE OF SUSPENSION

Case No. 95-137-GA

Edward Read Barton, P-10514, Allegan, Michigan, by Attorney Discipline Board Kent County Hearing Panel #3.

- 1) Suspension - three (3) years;
- 2) Effective December 7, 1995.

Respondent represented a debtor in Chapter 13 bankruptcy proceedings. During the pendency of the proceedings, the debtor made payments to the bankruptcy trustee. The Court later entered an order denying the proposed Chapter 13 Plan. Pursuant to the order, the trustee forwarded a check to respondent in the amount of \$1,620.89, payable to the debtor, as reimbursement of sums previously paid to the trustee. Respondent deposited the check into his payroll account. Respondent admitted that he failed to notify his client of his receipt of the funds; commingled the funds with his personal funds; deposited the funds into an account which was not identified as a trust account; misappropriated the funds; and endorsed the \$1,620.89 check with the name of his client without the authority to do so.

Respondent represented another debtor in Chapter 13 bankruptcy proceedings. The debtor sold property he had previously purchased on land contract; the debtor later defaulted in his land contract payments. The parties later came to an agreement which provided that the purchaser pay \$515 per week until the arrears on the contract were brought up to date. The purchaser was to pay monies to respondent, who would hold the monies in trust as an escrow agent. The purchaser entrusted respondent with a total of \$2,030. Respondent deposited the three checks into his payroll account. Respondent admitted that he failed to notify the land contract vendor of his receipt of the funds; commingled the funds with his personal funds; deposited the funds into an account which was not identified as a trust account; and misappropriated the funds.

Respondent's conduct constitutes professional misconduct in violation of MCR 9.104(1)-(4); Michigan Rules of Professional Conduct 1.15(a)-(c) and 8.4(a)-(c); and Canons 1 and 9 of the then-applicable Code of Professional Responsibility, DR 1-102(A)(1) and (3)-(6) and DR 9-102(A) and (B)(1) and (4). Costs were assessed in the amount of \$343.18.

NOTE: Respondent has been suspended from the practice of law in Michigan continuously since January 4, 1989.