

NOTICE OF SUSPENSION

Case No. 93-69-GA

Bernard Feldman, P-27628, Bingham Farms, MI, by the Attorney Discipline Board affirming Tri-County Hearing Panel #80's Order of Suspension.

- 1) Suspension - ninety (90) days;
- 2) Effective November 22, 1995.

Respondent was retained to represent a woman in a racial discrimination action. He filed an action in Wayne County Circuit Court; the case was subsequently removed to U.S. District Court. The panel found, by a preponderance of the evidence, that respondent neglected the matter; settled the matter without his client's knowledge or consent; failed to keep his client reasonably informed concerning the status of the matter; knowingly made a false representation to his client regarding the settlement; and made a false statement in his answer to the Request for Investigation. Respondent's conduct was found to be in violation of MCR 9.104(1)-(4),(6)and(7); MCR 9.113(A)and(B)(2); and Michigan Rules of Professional Conduct 1.1(c); 1.2; 1.4; 3.4(c); 8.1(b); and 8.4(a)-(c). On February 16, 1995, the panel entered an Order of Suspension for ninety 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 October 31, 1995. That order directed that: "The stay granted pursuant to MCR 9.122(C) shall remain in effect until 21 days after the effective date of this order." On November 21, 1995, the respondent filed a "motion for rehearing" with the Supreme Court. That motion was properly treated by the Court as a motion for reconsideration of a court order under Rule 7.313(E). That sub-rule further provides "the filing of a motion for reconsideration does not stay the effect of the order addressed in the motion." Therefore, the respondent's suspension from the practice of law for a period of ninety days is deemed to have commenced on November 22, 1995. Costs were assessed in the amount of \$1,254.50.