

NOTICE OF INCREASED SUSPENSION

Case Nos. 94-175-GA; 94-189-FA

John T. McCloskey, P-17313, Farmington Hills, Michigan, by the Attorney Discipline Board increasing Tri-County Hearing Panel #56's Order of Suspension for 130 days.

- 1) Suspension - three (3) years;
- 2) Effective September 29, 1995.

Respondent agreed to hold \$40,000 in funds belonging to a client, and was entrusted with a check in that amount. Respondent deposited the check into his client trust account. The panel found, by default, that respondent commingled the funds with his personal funds; failed to maintain the funds in a trust account; withdrew and misappropriated the \$40,000; failed to make prompt, full restitution; failed to answer the Request for Investigation; knowingly made false statements in two sworn statements conducted by the Attorney Grievance Commission; in the course of one of the sworn statements, produced a document which was false, fraudulent and backdated; and failed to answer the Formal Complaints. Respondent's conduct was found to be in violation of MCR 9.103(C); MCR 9.104(1)-(4),(6)and(7); MCR 9.113(A)and(B)(2); and Michigan Rules of Professional Conduct 1.15(a)-(c); 8.1(a)and(b); and 8.4(a)-(c). The panel ordered that respondent be suspended from the practice of law in Michigan for 130 days.

The respondent and the Grievance Administrator each filed a petition for review. Respondent's petition for review was dismissed for his failure to file a brief in support of the petition, and the automatic stay of discipline entered in accordance with MCR 9.115(K) was vacated. In an order and opinion issued December 27, 1995, the Attorney Discipline Board increased discipline to a three-year suspension effective September 29, 1995. Costs were assessed in the total amount of \$1,416.43.