

NOTICE OF SUSPENSION

Case No. 94-86-GA

Guerry B. McNabb, P-17528, Muskegon, Michigan, by the Attorney Discipline Board affirming a hearing panel order of suspension.

- 1) Suspension - 180 days;
- 2) Effective December 30, 1994.

Respondent represented the father in a matter in which his children's maternal grandparents were seeking grandparent visitation rights. At all times, the grandparents were represented by counsel. Kent County Hearing Panel #4 found, by a preponderance of the evidence, that respondent sent a letter to the grandparents, without the consent of their attorney, which contained offensive and threatening language; sent a copy of that letter to the judges presiding over the matter, constituting ex parte communication; and failed to answer the Request for Investigation.

Respondent's conduct was found to be in violation of MCR 9.104(1)-(4); MCR 9.113(A)and(B)(2); and Michigan Rules of Professional Conduct 3.5(b); 4.2; 8.1(b); and 8.4(a)and(c).

Respondent filed a petition for review and was granted a stay of discipline. On December 8, 1994, the Attorney Discipline Board entered an order affirming the hearing panel order of suspension, directing that the suspension in this matter run concurrently with the 180-day suspension imposed in Case Nos. 93-267-GA; 94-2-FA, commencing December 30, 1994. Respondent filed an application for leave to appeal and motion for stay of discipline with the Michigan Supreme Court. The application for leave to appeal and motion for stay were denied by the Court in an order issued February 28, 1995.

Costs were assessed in the amount of \$623.75.