

## NOTICE OF SUSPENSION AND RESTITUTION

Case No. 93-269-GA

George A. Holmes, P-15081, Caro, Michigan, by Attorney Discipline Board Genesee County Hearing Panel #4.

- 1) Suspension - 180 Days;
- 2) Effective October 11, 1994.

Respondent was retained to institute litigation following the death of his client's son. The panel found that respondent failed to timely return answers to interrogatories; failed to inform his client that he had entered into a \$15,000 settlement; failed to communicate with opposing counsel regarding the settlement; failed to take appropriate action to have the matter reinstated after its dismissal; and failed to keep his client reasonably informed concerning the status of the litigation.

Pursuant to a settlement with two defendants, respondent was issued a check in the amount of \$4,900, and deposited it into his client trust account. The hearing panel found that respondent failed to maintain the funds in trust; commingled the funds with personal funds; and failed to timely issue a check to his client.

Respondent filed a petition for commencement of probate proceedings in the estate of his client's son. Letters of authority were issued to his client as personal representative. The panel found that respondent failed to file a timely inventory; failed to seek an extension of the letters of authority, resulting in the suspension of his client's powers as fiduciary; failed to reinstate his client's letters of authority; failed to file a petition seeking probate court approval of the settlements in the wrongful death litigation; and, after the administrative closing of the estate, failed to take action to have it re-opened.

Respondent filed petitions for appointment of conservator of minor on behalf of his client's two minor grandsons, and the mother of the minors was appointed guardian/conservator in both estates. The panel found that respondent failed to prepare and file proposed letters of authority in the two estates; failed to timely file an inventory in the two estates; failed to take further action in the estates, resulting in the dismissal of the petitions for conservatorship; failed to seek reinstatement of the petitions for conservatorship; and failed to file petition in the estates seeking probate court approval of the settlements in the aforementioned litigation.

Respondent's conduct was found to be in violation of MCR 9.104(1)-(4); and the Michigan Rules of Professional Conduct,

1.1(a)-(c); 1.3; 1.4; 1.15(a)-(c); 3.2; and 8.4(a)-(c); and Canons 1, 6 and 7 of the then-applicable Code of Professional Responsibility, DR 1-102(A)(1),(4)-(6); DR 6-101(A)(1)-(3); DR 7-101(A)(1)-(3); and DR 9-102(B)(1)and(4).

The panel ordered that respondent's license be suspended for 180 days and that he make restitution to the decedent's estate in the amount of \$6,217. Costs were assessed in the amount of \$700.23.