

NOTICE OF SUSPENSION
(By Consent)

Case No. 94-100-GA

David Y. Klein, P-16036, Basalt, Colorado (formerly of Wayne County, Michigan), by Attorney Discipline Board Tri-County Hearing Panel #21,

- 1) Suspension - thirty (30) days;
- 2) Effective July 7, 1994.

The respondent and the Grievance Administrator filed a stipulation for consent order of discipline pursuant to MCR 9.115(F)(5), which was approved by the hearing panel and the Attorney Grievance Commission.

Respondent was an attorney for Local 426 of the Iron Workers Union and counsel for certain fringe benefit trusts of the Local, including the SUB fund. He pleaded nolo contendere to charges that he gave a portion of the legal fees earned in certain matters to the business manager of the Local in exchange for referral of those cases; and represented the business manager of the Local, who had been replaced in his position, in a claim that could have impacted the SUB Fund, while serving as counsel for the fund. The monies paid to the business manager in exchange for referral of cases were later returned to respondent and given to charity.

Respondent's conduct was alleged to be in violation of MCR 9.104(1)-(4); the Michigan Rules of Professional Conduct, 1.7(a); 5.4; and 8.4(a)and(c); and Canons 1 and 3 of the then-applicable Code of Professional Responsibility, DR 1-102(A)(1),(5)and(6); and DR 3-102.

Costs were assessed in the amount of \$159.02.