

NOTICE OF SUSPENSION WITH CONDITIONS

Case No. 93-255-GA

Keith G. Tatarelli, P-41725, Detroit, Michigan, by Attorney Discipline Board Tri-County Hearing Panel #28.

- 1) Suspension - 180 days;
- 2) Effective April 5, 1994.

Respondent was retained to represent a client in a fee arbitration proceedings relative to her former attorney. He received a cashier's check in the amount of \$4,299.69, which was specifically entrusted to him pending arbitration of the fee dispute. Respondent deposited \$4,000 of the proceeds into his IOLTA trust account. The parties stipulated that respondent deducted \$299.69 in proceeds from the cashier's check, failed to deposit the money into the trust account, and misappropriated the sum; and, over a period of approximately two months, withdrew funds from his trust account, misappropriating the remaining proceeds from the cashier's check entrusted to him.

The parties stipulated that respondent's conduct was in violation of MCR 9.104(1)-(4); and Michigan Rules of Professional Conduct 1.15(a)-(c) and 8.4(a)-(c).

In answer to the formal complaint and in proceedings before the panel, respondent asserted impaired ability due to cocaine dependency and requested probation pursuant to MCR 9.121(C). The panel rejected the request for probation and ordered that respondent's license be suspended for 180 days with conditions relevant to his cocaine dependency.

Respondent filed a motion for reconsideration with the panel, which was denied on April 14, 1994.

Costs were assessed in the amount of \$906.50.