

AMENDED NOTICE OF SUSPENSION AND RESTITUTION

Case No. 92-170-GA

Ronald P. Derocher, P-35042, Mancelona, Michigan, by Attorney Discipline Board Grand Traverse County Hearing Panel.

- 1) Suspension - forty-five (45) days;
- 2) Effective March 1, 1994.

Respondent pled no contest to the allegations of professional misconduct contained in the formal complaint, as follows:

Respondent was retained to institute estate proceedings, but failed to prepare and file a petition for commencement of proceedings; failed to communicate with his client; and failed to take action on his client's behalf.

Respondent was retained to prepare a Quit Claim Deed, but failed to prepare the deed; failed to forward the deed to the grantor for execution; and failed to respond to the inquiries of his client.

Respondent was retained and paid \$125 to represent a client in an action to recover a money judgment and possession of a vehicle, but failed to institute legal proceedings for a period of over six months; failed to serve the defendant in a timely manner; failed to notify his client of a court appearance; failed to serve the defendant with service of process within one year of commencement of the action; failed to answer the his client's inquiries; failed to return the unearned portion of his fee; and knowingly made false statements in his answer to the request for investigation.

Respondent was paid \$400 to institute proceedings for restoration of a driver's license, but failed to file an action on his client's behalf until after the client filed a request for investigation; failed to answer the inquiries of his client; failed to timely return the unearned portion of his fee; attempted to mislead the AGC to believe that the matter had been pending and was pending for a long period of time; and knowingly made a false statement in his answer to the request for investigation.

Respondent's conduct was alleged to be in violation of MCR 9.104(1)-(4)and(6); MCR 9.113(A); and the Michigan Rules of Professional Conduct, 1.1(c); 1.2(a); 1.3; 1.4; 3.2; 3.3(a)(1),(2)and(4); 3.4(a)and(b); 8.1(a); and 8.4(a)-(c).

Following acceptance of the respondent's plea of no contest, the panel conducted hearings on June 2 and July 16, 1993, for the purpose of receiving testimony and exhibits to be considered in

assessing the appropriated level of discipline. The panel ordered that respondent's license be suspended for forty-five (45) days effective December 28, 1993, and that he make restitution to one client in the amount of \$125. Respondent filed a petition to change effective date to March 1, 1994, which was granted by the Attorney Discipline Board.

Costs were assessed in the amount of \$1086.34.