

NOTICE OF SUSPENSION AND RESTITUTION

Case No. 93-49-GA

Richard A. Neaton, P-26974, Port Charlotte, FL (formerly of Berkley, MI), by Attorney Discipline Board Tri-County Hearing Panel #83.

- 1) Suspension - three (3) years;
- 2) Effective December 1, 1993.

Respondent was retained in a personal injury matter. He pled no contest to allegations that he failed to provide the insurance carrier with documentation of his client's injuries and neglected to communicate with the carrier; failed to take action on his client's behalf; failed to keep his client reasonably informed; failed to inform his client that he had allowed the statute of limitations to expire on her claims; after his client filed a Request for Investigation, falsely advised her that he had settled her claims for \$15,000; delivered to his client a draft from his personal account in the sum of \$11,000, and falsely represented that this constituted her share of the settlement; made other numerous false representations to his client; and made numerous false representations in his answer to the Request for Investigation.

At the time respondent was served with the above client's Request for Investigation, respondent had another client in an unrelated matter for whom he was entrusted with an \$11,000 draft, made payable to that client. He pled no contest to allegations that, without his client's knowledge or consent, he affixed his client's signature to the draft; failed to deposit the funds into a trust account; deposited the funds into his personal account, constituting commingling; drew against the funds a draft in the amount of \$11,000, made payable to the first client, constituting misappropriation; failed to pay the client the funds to which he was entitled; failed to advise his client that he commingled and misappropriated the funds; and made numerous false statements to his client concerning the funds.

Respondent's conduct was found to be in violation of MCR 9.103(C); MCR 9.104(1)-(4),(6)and(7); MCR 9.113(A); and Michigan Rules of Pro-fessional Conduct 1.1(c); 1.3; 1.4; 1.15; 3.2; 8.1(b); and 8.4(a)-(c).

The panel ordered a three-year suspension, retroactive to December 1, 1993, and restitution of \$11,000 plus interest. Costs were assessed in the amount of \$542.95.