

## NOTICE OF INCREASED SUSPENSION

Case No. 92-277-GA

Paul F. Zyburski, P-41488, Mt. Clemens, Michigan, by the Attorney Discipline Board increasing a hearing panel order of suspension for 60 days.

- 1) Suspension - one year;
- 2) Effective November 30, 1993.

Respondent was retained to prosecute a personal injury action. The matter was settled for \$3450. An insurance company draft in the amount of \$3450, payable to the order of respondent and his clients, was forwarded to respondent. The clients were entitled to approximately \$2300 after deduction of respondent's fees and costs.

Tri-County Hearing Panel #101 found that respondent affixed the clients' signatures to the settlement check; commingled the proceeds in his personal account; and, for a period of almost two months, failed to pay to his clients the amounts due them.

Respondent was retained to appeal an eviction and was paid \$300 toward his fee. The panel found that he failed to appear for a scheduled pretrial hearing with no valid excuse.

Respondent's conduct was found to be in violation of MCR 9.104(1)-(4); and the Michigan Rules of Professional Conduct, 1.1(c); 1.3; 1.15(a)and(b); and 8.4(a)-(c). The panel ordered that respondent's license be suspended for 60 days effective April 8, 1993, and that he make restitution to the personal injury clients in the amount of \$200. Respondent made restitution and paid costs as ordered, and was automatically reinstated in accordance with MCR 9.123(A) on June 8, 1993.

The Grievance Administrator filed a petition for review seeking an increase in discipline. The Attorney Discipline Board increased discipline to a one-year suspension effective November 30, 1993. In measuring the period of suspension, respondent is given credit for the 60-day suspension period served from April 8, 1993 through June 7, 1993. Costs were assessed in the total amount of \$922.28.