

NOTICE OF SUSPENSION AND RESTITUTION

Case Nos. 93-43-GA; 93-72-FA; 93-73-GA;
93-90-FA; 93-161-GA; 93-169-GA

David J. Perry, P-39058, Westland, Michigan, by Attorney
Discipline Board Tri-County Hearing Panel #2.

- 1) Suspension - three years;
- 2) Effective November 23, 1993.

Respondent failed to answer the formal complaints and failed to appear at the hearing held in Detroit on September 16, 1993. Respondent's defaults were entered, and the panel determined that the defaults established the allegations of the formal complaints.

Respondent was retained to represent a client in a personal injury matter. He notified the insurance carrier and arranged for payment of ambulance and hospital expenses and lost wages, but failed to take further action regarding the matter; moved his office and failed to provide his client with his new address; failed to notify the State Bar of Michigan of his change of address as required by Rule 2 of the Supreme Court Rules regarding the State Bar of Michigan; failed to reasonably communicate with his client; and failed to answer the request for investigation.

Respondent was retained by a widow to probate her husband's estate, to represent her in the sale of real property of the estate, and to obtain probate court approval of the transaction. He was paid a \$500 attorney fee. Respondent failed to take any action on his client's behalf; failed to return his client's file upon request; failed to reasonably communicate with his client; failed to communicate with the real estate agent; failed to communicate with substitute counsel; failed to return the unearned fee; and failed to answer the request for investigation.

Respondent was retained to commence divorce proceedings and was paid a \$500 attorney fee, but failed to commence divorce proceedings or take any other action on his client's behalf; failed to reasonably communicate with his client; failed to return the unearned fee; and, failed to answer the request for investigation.

Respondent was retained to probate an estate and was paid a \$100 retainer fee, but failed to commence probate proceedings; failed to adequately communicate with his client; failed to advise his client that he would not be proceeding on her behalf; failed to return his client's original documentation; failed to return the unearned fee; and, failed to answer the request for investigation.

Respondent was retained by a client to pursue recovery for

injuries suffered in an automobile accident and to handle a wrongful discharge matter, but failed to take any action on his client's behalf; failed to advise his client that he would not be taking any action on his behalf; failed to keep his client reasonably informed concerning the status of the matter; and, failed to answer the request for investigation.

Respondent's conduct was found to be in violation of MCR 9.104(1)-(4)and(7); MCR 9.103(C); MCR 9.113(A); MCR 9.113(B)(2); and the Michigan Rules of Professional Conduct, 1.1(c); 1.3; 1.4; 1.5(a); 1.15(b); 3.2; 8.1(b); and 8.4(a)-(c).

The panel ordered respondent to make restitution to three of his clients in the total amount of \$1700. Costs were assessed in the amount of \$352.19.