

NOTICE OF SUSPENSION AND RESTITUTION

Case No. 93-129-GA

Philip A. Clancey, P-11912, Traverse City, Michigan, by
Attorney Discipline Board Grand Traverse County Hearing Panel.

- 1) Suspension - nine (9) months;
- 2) Effective November 10, 1993.

Respondent was retained by the plaintiff/wife in a divorce proceeding. The panel found that respondent failed to review the judgment of divorce on his client's behalf; signed the judgment on his client's behalf without reviewing its contents with his client; after the judgment was entered, he took a signed copy of the entered judgment, whited out, or caused to be whited out, the judge's signature and the clause awarding the children's tax dependence exemptions to the defendant, and replaced the clause with a clause awarding the exemption based on the IRS exemptions; and, without opposing counsel's knowledge or consent, he mailed the judgment to the court and caused the judgment to be signed and entered by another judge. Respondent's conduct was found to be in violation of MCR 2.602; MCR 9.104(1)-(4); and the Michigan Rules of Professional Conduct, 1.1(c); 3.3(a)(1); and 8.4(a)and(c). On October 19, 1993, the panel entered an order of suspension for nine months. The order also directed that respondent make restitution in the amount of \$456.

The respondent and the Grievance Administrator each filed a petition for review. Respondent's motion for stay of discipline was denied. On February 17, 1994, the Attorney Discipline Board entered an order modifying the panel's order by striking the findings that respondent's conduct constituted violations of MRPC 1.1(c) and MCR 2.602, and otherwise affirming the panel's order of suspension and restitution. The respondent and the Grievance Administrator each filed a motion for reconsideration, which resulted in a remand to the panel for further proceedings. On March 11, 1996, the panel entered its Findings of Fact and Order, which affirmed its original order of October 19, 1993, as modified by the Attorney Discipline Board on February 17, 1994. Costs were assessed in the total amount of \$2005.56.