

## NOTICE OF SUSPENSION

Case No. 92-13-GA; 92-37-FA

Bernard Feldman, P-27628, Troy, Michigan, by the Attorney Discipline Board affirming hearing panel order of suspension.

- 1) Suspension - 30 days;
- 2) Effective August 21, 1993.

Respondent failed to timely answer the formal complaint, but appeared at the hearings held before Tri-County Hearing Panel #21. Respondent's default was entered, and the panel determined that the default established the allegations of the formal complaint.

Respondent was retained to institute legal action against a police department and individual police officers, but failed to name individual police officers in the lawsuit; failed to advance proper and additional theories in the lawsuit; failed to advise his client of a \$1.00 mediation award; failed to reject the mediation award; failed to prosecute the lawsuit diligently; failed to keep his client informed concerning the status of the case; failed to deposit the settlement proceeds into a client trust account; failed to notify his client of the receipt of the settlement check; failed to promptly deliver the settlement check; knowingly made false statements to his client; and, knowingly made a false statement in his answer to the request for investigation.

Respondent's conduct was found to be in violation of MCR 9.104 (1)-(4),(6)and(7); MCR 9.113(A); the Michigan Rules of Professional Conduct, 1.1(c); 1.3; 1.4; 1.15; 3.2; 8.1; 8.4(a)-(c); and Canons 1, 6 and 7 of the then-applicable Code of Professional Responsibility, DR 1-102(A)(1),(5)and(6); DR 6-101(A)(3); and DR 7-101(A)(1)-(3). On September 22, 1992, the hearing panel #21 entered its order of suspension for 30 days.

The Grievance Administrator and the respondent each filed a petition seeking review of the hearing panel order of suspension. On January 29, 1993, the Attorney Discipline Board affirmed the hearing panel order of suspension. Respondent filed an application for leave to appeal, which was denied by the Michigan Supreme Court on July 30, 1993. Costs were assessed in the amount of \$685.06.