

NOTICE OF SUSPENSION AND RESTITUTION  
(By Consent)

Case No. 93-39-GA

William E. Montgomery, P24664, Garden City, Michigan, by  
Attorney Discipline Board Tri-County Hearing Panel #1.

- 1) Suspension - 119 days;
- 2) Effective June 15, 1993.

The respondent and the Grievance Administrator filed a stipulation for consent order of discipline pursuant to MCR 9.115 (F)(5), which was approved by the hearing panel and the Attorney Grievance Commission.

Respondent was retained to settle the estate of his client's deceased mother, and received six dividend checks totalling \$1454 on behalf of his client and his client's brother. Respondent pled no contest to allegations that he failed to maintain the \$1454 as a fiduciary; failed to pay his client and his client's brother the funds to which they are entitled; and, failed to respond to written requests for information from the Attorney Grievance Commission.

Respondent was retained to investigate a possible false imprisonment and/or libel suit arising out of the alleged illegal arrest of his client's son, and received a \$2500 retainer fee. Respondent pled no contest to allegations that he failed to keep his client reasonably informed; failed to respond to his client's inquiries; failed to return to his client the unused portion of the retainer fee; and, failed to respond to the Attorney Grievance Commission's written requests for information.

Respondent was retained to represent a defendant in post conviction proceedings arising from his client's conviction of Bank Robbery in the U.S. District Court. Respondent pled no contest to allegations that he failed to seek to obtain an appeal bond; failed to seek dismissal of the case through the filing of appropriate motions in the U.S. District Court prior to appeal; failed to file a timely appeal; failed to keep his client informed concerning the status of the matter; failed to return the unearned portion of the \$4000 retainer fee after he was discharged; and failed to respond to correspondence from the Attorney Grievance Commission.

Respondent pled no contest to allegations that, during the year 1989, he commingled client funds with funds of his own; and, failed to maintain client funds as a fiduciary.

Respondent pled no contest to allegations that his conduct was in violation of MCR 9.103(C); MCR 9.104(1-4); and the Michigan

Rules of Professional Conduct, 1.1(c); 1.3; 1.4; 1.5; 1.15(a,b); 1.16(d); 3.2; 8.1(b); 8.4(a-c).

Respondent agreed to make restitution to his clients in the total amount of \$6954. Costs were assessed in the amount of \$277.30.