

## NOTICE OF INCREASED SUSPENSION

Case No. 92-51-GA

Robert K. Huber, P-15209, Roscommon, Michigan, by the Attorney Discipline Board increasing a hearing panel order of suspension for sixty days.

- 1) Suspension - six months;
- 2) Effective July 7, 1993.

In April, 1983, respondent drafted, witnessed and notarized a warranty deed which transferred his client's interest in a parcel of lake property to a charitable corporation of which respondent was the founder and president. In June, 1984, respondent drafted a Last Will and Testament for the same client. In April, 1989, the client died and respondent filed a petition for commencement of probate proceedings.

The panel found that respondent engaged in a conflict of interest in undertaking the legal representation of his client's estate; failed to institute proceedings on behalf of the estate to recover the lake property; and made misrepresentations as to the ownership of the property.

The panel further found that respondent made misrepresentations to the Michigan Department of Commerce, Corporation and Securities Bureau, regarding the value of all real and personal property owned by his corporation by failing to include the value of the lake property.

Respondent's conduct was found to be in violation of MCR 9.104 (1)-(4); the Michigan Rules of Professional Conduct, 1.7; 1.8(a) and (j); 3.3(a)(1)(2) and (4); 4.1; 4.3 and 8.4(a)-(c); and Canons 1, 5 and 7 of the then-applicable Code of Professional Responsibility, DR 1-102(A)(1) and (3)-(6); DR 5-101(A) and (B); DR 5-103(A); DR 5-105(A); DR 7-106(B)(2) and DR 7-106(C)(1). Costs were assessed in the amount of \$1064.51.

The Grievance Administrator and the respondent each filed a petition for review. On December 7, 1993, the Attorney Discipline Board entered an order increasing discipline to a six-month suspension, stating that "[r]espondent's failure to recognize or appreciate the actual and potential conflicts of interest . . . and, more importantly, his lack of candor . . . warrants an increase in discipline to a level greater than the minimum suspension necessary to trigger the reinstatement requirements of MCR 9.123(B) and MCR 9.124."