

## NOTICE OF REVOCATION

Case Nos. 91-127-GA; 91-241-GA; 91-273-FA; 92-45-GA

Hubert J. Morton, Jr., P-25940, Detroit, Michigan, by Attorney Discipline Board Tri-County Hearing Panels #2 and #9.

- 1) Revocation;
- 2) Effective June 9, 1993.

Respondent filed petitions for review of two separate hearing panel Orders of Revocation. The two matters were consolidated by the Attorney Discipline Board sua sponte.

### Formal Complaint 91-127-GA

Respondent was retained by the plaintiff in a malpractice action. Tri-County Hearing Panel #2 found that respondent knowingly made false, fraudulent and/or misleading statements in his answer to the request for investigation; failed to notify his client of his suspension in a prior matter; knowingly filed false documents with the Attorney Grievance Commission; knowingly filed a false document with the Circuit Court; knowingly made false statements to his client; endorsed the signatures of his client and another attorney to two \$12,500 settlement checks without their knowledge or consent; and commingled client funds with his own.

Respondent's conduct was found to be in violation of MCR 9.103(C); MCR 9.104(1)-(6)and(9); MCR 9.119(A)and(E); and Canons 1, 3, 7 and 9 of the then-applicable Code of Professional Responsibility, DR 1-102(A)(1),(3)-(6); DR 3-101(B); DR 7-102(A)(3)-(6)and(8); DR 9-102(A); DR 9-102(B)(1)-(3). Tri-County Hearing Panel #2 considered respondent's extensive disciplinary history in determining the level of discipline to be imposed. On May 18, 1993, Tri-County Hearing Panel #2 entered an order revoking respondent's license effective June 9, 1993.

### Formal Complaints 91-241-GA; 91-273-FA; 92-45-GA

Respondent was retained to resolve outstanding parking tickets and a suspended driver's license, and was paid a \$300 retainer fee. Respondent was subsequently discharged, and the client requested a refund of the \$300. Respondent refunded only \$150. Tri-County Hearing Panel #9 found that respondent brought a frivolous action against the client alleging breach of contract, quantum meruit and defamation.

Respondent's conduct was found to be in violation of MCR 9.104(1)-(4); MCR 2.114(D); and the Michigan Rules of Professional Conduct, 3.1; 3.4(c); and 8.4(a)-(c).

Respondent was retained to prosecute a medical malpractice action. Tri-County Hearing Panel #9 found that respondent failed to timely file a witness list; failed to include a qualified medical expert on the late-filed witness list; failed to file a supplemental witness list in which he was to name two qualified experts, as ordered by the Court; and failed to comply with the Court's orders of discovery, causing the lawsuit to be dismissed.

The same client retained respondent in a personal injury action. Tri-County Hearing Panel #9 found that respondent failed to prosecute the case, causing it to be dismissed for lack of prosecution. Respondent filed another personal injury action on behalf of the client, adding another defendant. Tri-County Hearing Panel #9 found that respondent failed to have the complaint served on the defendants, causing the case to be dismissed; failed to timely file a motion to set aside the dismissal; and failed to keep his client informed concerning the status of the case.

Respondent's conduct was found to be in violation of MCR 9.104(1)-(4); the Michigan Rules of Professional Conduct, 1.1(c); 1.3; 1.4; 3.2; and 8.4(a)and(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); DR 7-101(A)(1)-(3).

Tri-County Hearing Panel #9 considered respondent's extensive disciplinary history in determining the level of discipline to be imposed. On May 18, 1993, Tri-County Hearing Panel #9 entered an order revoking respondent's license effective June 9, 1993.

In an order issued January 12, 1994, the Attorney Discipline Board affirmed the findings and conclusions of both hearing panels in all respects, and ordered that respondent's license to practice law in Michigan be revoked effective June 9, 1993.

Costs were assessed in the total amount of \$5,916.40