

NOTICE OF REVOCATION

Case Nos. 92-194-GA; 92-180-GA; 92-205-FA

Hubert J. Morton, Jr., P-25940, Detroit, Michigan, by Attorney Discipline Board Tri-County Hearing Panel #32.

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

Respondent was retained to represent a client in a post judgment divorce matter. The panel found, by a preponderance of the evidence, that respondent failed to appear for a Friend of the Court hearing; failed to keep his client reasonably informed; failed to timely answer the Request for Investigation; and knowingly made a false statement in his answer to the Request for Investigation.

Respondent was retained to represent a client in a personal injury action. The client subsequently advised respondent that she was discharging him and retaining another attorney. The panel found, by default, that respondent violated his duty to cease and desist his representation of this client in that he filed suit on her behalf in Wayne County Circuit Court and proceeded to represent her in the personal injury action.

The panel found, by default, that respondent filed a lawsuit against another attorney which was not supported by fact or law; filed this lawsuit notwithstanding the fact that the issues in dispute were being litigated in another action; and misrepresented to the court that there was no other civil action between the parties concerning the subject of that lawsuit.

Respondent was retained to represent another client in a personal injury action. That client became dissatisfied with respondent's services and requested that he forward his file to new counsel. The panel found, by default, that respondent failed to timely release the file to which his client was entitled, either to the client or the client's new attorney.

Respondent's conduct was found to be in violation of MCR 9.104(1)-(4),(6)and(7); MCR 9.113(A)and(B)(2); Michigan Rules of Professional Conduct 1.1(c); 1.3; 1.4; 1.16(a)(3); 1.16(d); 3.1; 3.2; 3.3(a)(1)and(4); 8.1(b); and 8.4(a)-(c); and Canons 1 and 2 of the then-applicable Code of Professional Responsibility, DR 1-102(A) (1),(4)-(6) and DR 2-110(B)(4). In its report issued March 28, 1994, the panel concluded that, based on the nature of the misconduct and respondent's extensive disciplinary history, his license to practice law should be revoked.

Prior to the filing of the panel's report, respondent's license to practice law in Michigan was revoked by the Attorney Discipline Board, effective June 9, 1993, in an unrelated case (Matter of Hubert J. Morton, Jr., 91-127-GA, et al.) On March 28, 1994, the Attorney Discipline Board entered a notice of discontinuance without prejudice on the grounds that the prior order of revocation terminated the respondent's status as an "attorney" within the meaning of MCR 9.101(5). On October 31, 1994, the Michigan Supreme Court issued its memorandum opinion in *Grievance Administrator v Attorney Discipline Board*, #99015, vacating the Board's notice of discontinuance and directing the Board to determine whether discontinuance without prejudice is the appropriate resolution in the particular circumstances of each case.

On November 18, 1994, the Board entered an order directing the hearing panel chairperson to sign an order of revocation. On January 19, 1995, the panel entered that order in accordance with its prior report. The revocation is deemed to be effective June 9, 1993, the effective date of respondent's prior revocation. Costs were assessed in the amount of \$1,156.21.