

## NOTICE OF INCREASED SUSPENSION

Case No. 92-128-GA

Dennis W. Koltunchik, P-36255, Plymouth, Michigan, by the Attorney Discipline Board increasing a hearing panel order of suspension for two years.

- 1) Suspension - three years;
- 2) Effective July 1, 1993.

Respondent was retained to represent his clients' interests in a forfeiture action brought by the United States Government. Regarding sworn depositions given by his clients before the U.S. Attorney, respondent admitted that he advised his clients not to admit to the sale of any illegal substances, although he knew that they were involved in the sale of marijuana; advised his clients not to admit to possessing any quantities of illegal substances in excess of what would be considered to be for personal use, although he knew that his clients were not using those amounts personally, that they did have excessive quantities and that they were selling marijuana; knew his clients were giving false testimony at the deposition before the U.S. Attorney; did not counsel his clients to correct their testimony so that it would be truthful; the false testimony given by his clients concerning the sale of illegal substances was consistent with the advice provided by him regarding how they should answer those questions; and did not inform the U.S. Attorney that his clients offered false testimony.

Respondent's conduct was found to be in violation of MCR 9.104 (1)-(4); and the Michigan Rules of Professional Conduct, 3.3(a)(2); 3.4(b); and 8.4(a)-(c).

The Grievance Administrator filed a petition for review seeking an increase in discipline. In an order entered November 15, 1993, the Attorney Discipline Board increased discipline to a three-year suspension effective July 1, 1993. Respondent filed a motion for reconsideration, which was denied by the Board in an order entered January 14, 1994. Costs were assessed in the total amount of \$941.97.