

NOTICE OF SUSPENSION AND RESTITUTION

Case No. 90-155-GA

John P. Ogurek, P-18430, Bingham Farms, Michigan, by Attorney Discipline Board Tri-County Hearing Panel #78.

- 1) Suspension - 30 days;
- 2) Effective May 1, 1993.

Respondent filed a Chapter 11 bankruptcy petition on behalf of his client's business. He admitted that he neglected the matter, causing it to be dismissed without prejudice. As a result of the dismissal of the first Chapter 11 proceeding, respondent filed a second Chapter 11 petition. He admitted that he neglected the matter again, causing it to be dismissed with prejudice. Respondent also agreed to pursue collection of debts owed to his client's business. He admitted that he neglected four collection actions he filed on his client's behalf, causing all to be dismissed.

Respondent was retained to prosecute a medical malpractice action. He admitted that he neglected the matter, causing it to be dismissed; and made a false statement to his client regarding the cause of that dismissal.

Respondent's conduct was found to be in violation of MCR 9.104 (1-4); the Michigan Rules of Professional Conduct, 1.1(c); 1.2(a); 8.4(a-c); and Canons 1, 6 and 7 of the then-applicable Code of Professional Responsibility, DR 1-102(A)1,5,6); DR 6-101(A)(3); DR 7-101(A)(1-3).

During a separate hearing on discipline, the respondent and counsel for the Grievance Administrator advised the panel that neither party would object to a suspension of thirty days in light of the respondent's prior unblemished record and the respondent's voluntary agreement to make restitution to his clients. The panel's order of suspension includes a requirement that the respondent complete his restitution agreement with one client. Costs were assessed in the amount of \$281.38.

The respondent's subsequent petition for review resulted in an automatic stay of discipline pursuant to MCR 9.115(K) . That petition for review was voluntarily withdrawn and the stay of discipline was vacated effective May 1, 1993.