

NOTICE OF SUSPENSION AND PROBATION
(By Consent)

Case No. 92-129-GA

Charles A. Murphy, P-27869, Farmington Hills, Michigan, by
Attorney Discipline Board Tri-County Hearing Panel #72.

- 1) Suspension - 45 days;
- 2) Effective April 14, 1993.

- 3) Probation - two years;
- 4) Effective upon reinstatement.

The respondent and the Grievance Administrator filed a stipulation for consent order of discipline pursuant to MCR 9.115 (F)(5), which was approved by the hearing panel and the Attorney Grievance Commission. Respondent admitted the allegations contained in Counts One and Two of the Formal Complaint, and pled no contest to the allegations contained in Count Three.

Respondent was retained by the personal representative of an estate, but failed to obtain real estate appraisals necessary to determine the total gross estate of the deceased; failed to timely file federal estate taxes and other tax returns required by law, or, alternatively, to seek extensions of time for doing so; failed to keep his client reasonably informed concerning the status of the matters for which he was retained; and, falsely represented to his client that all tax returns required by law had been filed.

Respondent's conduct was admitted to be in violation of MCR 9.104(1-4); the Michigan Rules of Professional Conduct, 1.1(c); 1.3; 1.4(a); 3.2; 8.4(a-c); and Canons 1, 6 and 7 of the then-applicable Code of Professional Responsibility, DR 1-102(A) (1,4-6) DR 6-101(A)(3); DR 7-101(A)(1-3).

Respondent was retained by co-defendants on state and federal drug charges. Respondent pled no contest to the charges that he: failed to advise the first client that the second client had begun to cooperate with the United States government; continued to advise first client not to cooperate or to speak with anyone; was aware that the second client's cooperation with the government would adversely impact the first client's interests; continued to represent the first client and appeared with him at the arraignment in spite of his continued representation of the second client.

Respondent's conduct was alleged to be in violation of MCR 9.104(1-4); MCR 6.005(G) [then applicable MCR 6.101(C)(4)]; the Michigan Rules of Professional Conduct, 1.7(a,b); 8.4(a,c); and Canons 1 and 5 of the then-applicable Code of Professional Responsibility, DR 1-102(A)(1,5,6); DR 5-105(B).

The 45-day suspension is conditioned on respondent's restitution of \$1000 to each of the above-mentioned clients, plus other conditions relevant to the established misconduct. The probation is conditioned on respondent's additional restitution of \$5500 to the estate client and \$4000 to the drug client, plus other conditions relevant to the established misconduct. Costs were assessed in the amount of \$65.40.