

## NOTICE OF SUSPENSION AND RESTITUTION

Case Nos. 92-97-GA; 92-119-FA

Frank L. Gillespie, IV, P-37513, Detroit, Michigan, by  
Attorney Discipline Board Tri-County Hearing Panel #5.

- 1) Suspension - 120 days;
- 2) Effective April 28, 1993.

Respondent failed to answer the formal complaints, but appeared at the hearings held in Detroit on July 15 and August 24, 1992. Respondent's defaults were entered, and the panel determined that the defaults established the allegations of the formal complaints.

Respondent was retained to file a complaint for divorce and was paid a \$300.00 retainer fee, but failed to file a complaint for divorce or take any other action on his client's behalf; failed to communicate with his client after his retention; failed to return the unearned retainer fee; and failed to answer the request for investigation.

Respondent was retained to handle a worker's compensation appeal, and was paid a \$500.00 retainer fee. Respondent prepared and filed a Claim for Review, but failed to file the required transcript; failed to advise his client of the dismissal of her appeal or to respond to her inquiries about the matter; and failed to answer the request for investigation.

Respondent was retained to represent in a client in a decedent's estate. Respondent filed a Petition for Commencement of Proceedings, but, midway through the proceedings, failed, neglected and/or refused to provide further services and took no action to withdraw as counsel; failed to respond to his client's inquiries; and failed to answer two requests for investigation.

Respondent's conduct was found to be in violation of MCR 9.104 (1-4,7); MCR 9.113(A)and(B)(2); and the Michigan Rules of Professional Conduct, 1.1 (c) ; 1.2 (a) ; 1.3; 1.4(a); 1.5(a); 1.15(b) 3.2; 8.1(b); 8.4(a,c).

The panel ordered respondent to make restitution to three of his clients in the total amount of \$600.00. Costs were assessed in the amount of \$752.75.

The respondent filed a petition for review and received an automatic stay of discipline pursuant to MCR 9.115(K) . Respondent failed to file the required brief in support of his petition for review, and failed to file a response to the Grievance

Administrator's motion to dismiss his petition for review. In an order entered April 6, 1993, the Attorney Discipline Board dismissed the respondent's petition for review, and the suspension is deemed to be effective April 28, 1993.