

NOTICE OF SUSPENSION

Case No. 92-190-GA

John A. DeRose, P24732, Lansing, Michigan, by Attorney
Discipline Board Ingham County Hearing Panel #4.

- 1) Suspension - 18 months;
- 2) Effective February 9, 1993.

The hearing panel found that the allegations of professional misconduct in paragraphs J(ii) and (iv) of the Formal Complaint were established by a preponderance of the evidence. Paragraphs J(i) and (iii) were dismissed.

Respondent drafted a Last Will and Testament for his wife's aunt, which she executed in April, 1981. In 1985, she was hospitalized. During her hospitalization, respondent contacted her nephew, who was a joint owner with her on two certificates of deposit which totaled \$28,000. Respondent requested that he endorse the two certificates and turn possession of them over to respondent; he complied with this request. On June 3, 1985, she was discharged from the hospital and readmitted to a nursing home. On June 27, 1985, she died.

Respondent redeemed the certificates of deposit on June 3, 1985; obtained a cashier's check for \$26,880.37 made payable to his wife's aunt; negotiated the check on June 11, 1985; deposited \$5022.00 of the proceeds into a client trust account that he held jointly with his wife who was not an attorney; and misappropriated the proceeds of the certificates of deposit which belonged to his wife's aunt and, upon her death, to her estate.

Respondent's conduct was found to be in violation of MCR 9.104(1-4); the Michigan Rules of Professional Conduct, 1.5; 1.7; 1.9; 8.4(a,c); and Canons 1, 5 and 9 of the then-applicable Code of Professional Responsibility, DR 1-102(A)(1,3-6); DR 5-101(A); DR 9-102(A) and (B)(4). Costs were assessed in the amount of \$1420.81.