

## NOTICE OF INCREASED SUSPENSION AND RESTITUTION

Case No. 91-164-GA

Ian MacDonald, P-16913, Trenton, Michigan, by the Attorney Discipline Board increasing a hearing panel order of suspension for 179 days.

- 1) Suspension - eighteen (18) months;
- 2) Effective February 5, 1993.

Respondent was appointed Personal Representative of an estate and opened bank accounts on the estate's behalf. The panel found that respondent misappropriated estate funds; wrote checks on the estate accounts which were dishonored for insufficient funds; made false representations to the probate court; failed to timely close and administer the estate; delayed in paying inheritance taxes on the estate's behalf; and failed to keep the interested parties informed concerning the status of the matter.

Respondent's conduct was found to be in violation of MCR 9.104 (1)-(6) and Canons 1, 6, 7 and 9 of the then-applicable Code of Professional Responsibility, DR 1-102(A)(1),(3)-(6); DR 6-101(A)(3); DR 7-101(A)(1)-(3); and DR 9-102(A)and(B)(4). The panel ordered that respondent be suspended from the practice of law for 179 days and make restitution to the estate in the amount of \$836.96.

The Grievance Administrator filed a petition for review. In an order dated June 22, 1993, the Attorney Discipline Board affirmed the hearing panel order of suspension. The Grievance Administrator filed an application for leave to appeal. In an order dated February 1, 1994, the Michigan Supreme Court vacated the Board order and remanded the case to the hearing panel. In an order and report issued June 23, 1994, the panel affirmed its prior order in all respects.

The Grievance Administrator filed a second petition for review. Respondent filed a cross-petition for review. In an order issued September 22, 1994, the Board increased discipline to an eighteen-month suspension. The Grievance Administrator and the respondent each filed an application for leave to appeal. The applications for leave to appeal were denied by the Michigan Supreme Court in an order dated April 28, 1995. Costs were assessed in the amount of \$2756.75.