

## NOTICE OF SUSPENSION

Case No. 91-107-GA

Wesley J. Roberts, P19510, Warren, Michigan, by the Attorney Discipline Board increasing a hearing panel order of reprimand.

- 1) Suspension - 30 days;
- 2) Effective February 16, 1993.

Respondent was appointed Guardian/Conservator of a legally incapacitated person; that person subsequently died, and respondent was appointed Personal Representative of the estate. The hearing panel found that the respondent withdrew \$4000 from the estate account and deposited the funds into his personal IRA account; drew a check in the amount of \$1000 against the estate account to pay his personal insurance premium; and drew a check made payable to himself in the amount of \$3000 against the estate account, all without obtaining authority from the probate court. Respondent also filed an inventory with the probate court in which he falsely represented the cash assets of the estate.

Respondent's conduct was found to be in violation of MCR 9.104 (1-6); and Canons 1 and 9 of the former Code of Professional Responsibility, DR 1-102(A)(1,3-6); DR 9-102(A)and(B)(4). The panel considered the respondent's characterization of the withdrawals as payment of fees for services rendered and for future services to be rendered. The panel also considered the mitigating factor of respondent's prior unblemished disciplinary record in 38 years of practice.

The Grievance Administrator filed a petition for review seeking an increase in discipline. In an order issued January 25, 1993, the Attorney Discipline Board concluded that a suspension from the practice of law was warranted in light of the inherent danger in the unauthorized withdrawal of legal fees from an estate. Costs were assessed in the amount of \$793.80.

The Grievance Administrator filed an application for leave to appeal with the Michigan Supreme Court seeking an increase in discipline to revocation of respondent's license. The Court denied the application for leave to appeal in an order entered June 25, 1993.