

## NOTICE OF REPRIMAND

ADB 179-87; 199-87

Kenneth M. Swinkey, P31717, Monroe, Michigan, by the Attorney Discipline Board modifying a hearing panel order of suspension from a suspension of 120 days to a reprimand.

- 1) Reprimand;
- 2) Effective January 5, 1993.

The respondent failed to answer a formal complaint and failed to appear at a scheduled hearing before a hearing panel. By virtue of the respondent's default, the hearing panel found that the respondent neglected a legal matter entrusted to him by a client and failed to answer a Request for Investigation. The respondent's conduct was deemed to be in violation of MCR 9.104(1-4,7); MCR 9.103(C); MCR 9.113(B)(2); and Canons 1, 6 and 7 of the Code of Professional Responsibility, DR 1-102(A)(1,5,6); DR 6-101(A)(3) and DR 7-101(A)(1-3). The panel considered the respondent's failure to answer or appear in its decision to impose a suspension of 120 days.

Respondent subsequently retained counsel and filed a delayed petition for review with the Attorney Discipline Board. The delayed petition was accepted. The Board granted the respondent's emergency request for retroactive stay of discipline. The matter was remanded to the hearing panel for further proceedings. Based upon its review of the record, including medical testimony submitted to the panel, and the hearing panel's supplemental report, the Board determined that the respondent should be reprimanded, subject to a condition pursuant to MCR 9.106(3) requiring that respondent submit a further report from the professional person who testified at the hearing. Costs were assessed in the amount of \$739.39.