

NOTICE OF SUSPENSION AND RESTITUTION

Case Nos. 92-216-GA; 92-239-FA

David M. Blake, P30637, Southfield, Michigan, by Attorney
Discipline Board Tri-County Hearing Panel #83.

- 1) Suspension - three years;
- 2) Effective December 9, 1992.

Respondent failed to answer Formal Complaint 92-216-GA and failed to appear at the hearing held in Rochester on October 9, 1992. Respondent's default was entered, and the panel determined that the default established the allegations contained in Formal Complaint 92-216-GA. The petitioner withdrew Count One, paragraph G(iv) of Formal Complaint 92-216-GA, and Formal Complaint 92-239-FA.

Respondent was retained to represent an individual in claiming a portion of wrongful death proceeds. The claim was settled for \$1000, but respondent failed to deposit the proceeds into a trust account; failed to promptly release the funds to his client; failed to account for the funds; and failed to keep his client reasonably informed concerning the status of the funds.

Respondent was retained by the defendant's mother to represent her son in a criminal action, but appeared late for one court hearing; failed to appear for two subsequent court hearings; failed to keep his client or his client's mother reasonably informed concerning the status of the matter; failed to return the unearned \$3000 fee; made a false statement to his client's mother; and made a false statement in his answer to the request for investigation.

Respondent was retained to represent a defendant in a criminal appeal, but failed to prosecute the appeal; failed to respond to his client's inquiries; and failed to return the unearned \$4000 fee.

Respondent's license to practice law was suspended on February 5, 1992 as a result of his failure to pay bar dues, and on March 2, 1992 as a result of his failure to pay costs associated with a prior discipline order. During the period of his suspension, respondent continued to represent the defendant in a criminal matter; and failed to advise the defendant, the tribunal, or the parties of his suspension.

Respondent's conduct was found to be in violation of MCR 9.104 (1-4,6,7,9); MCR 9.119(A-C); the Michigan Rules of Professional Conduct, 1.1(c); 1.3; 1.4; 1.15(a,b); 1.16(d); 3.2; 5.5(a); 8.1(b); 8.4(a-c); and Canons 1 and 9 of the then-applicable Code of

Professional Responsibility, DR 1-102(A)(1,4-6); DR 9-102(A,B).

The panel ordered respondent to make restitution to his clients in the total amount of \$8500 plus interest. Costs were assessed in the amount of \$589.44.