

NOTICE OF REPRIMAND
(By Consent)

Case No. 91-72-GA

David K. Wenger, II, P23078, Detroit, Michigan, by Attorney Discipline Board Tri-County Hearing Panel #10.

- 1) Reprimand;
- 2) Effective March 11, 1992.

The respondent and the Grievance Administrator filed a stipulation for consent order of discipline pursuant to MCR 9.115 (F)(5) which was approved by the hearing panel and the Attorney Grievance Commission. Respondent offered his plea of nolo contendere to the allegations contained in the formal complaint.

Respondent was retained in probate and wrongful death litigation. He pled nolo contendere to the allegations that he failed to file a notice of claim within sixty days of the date of the accident; failed to file a wrongful death action within the statute of limitations; failed to file a motion for reconsideration of the order of dismissal; failed to advise his client of the dismissal for a period of approximately four months; failed to institute probate proceedings for a period of in excess of two years; filed a late inventory in the estate which included improper assets; failed to list the wrongful death action as an asset on the inventory; failed to file annual accounts in the estate; and failed to remain in adequate contact with this client.

Respondent was retained by the same client to collect two debts owed to her. He pled nolo contendere to the allegations that he failed to appear for a mediation hearing, resulting in the dismissal of the case; failed to seek to have the matter reinstated; failed to advise his client of the dismissal; and failed to file an action on his client's behalf within the statute of limitations.

Respondent's conduct was alleged to be in violation of MCR 9.104 (1-4); and Canons 1, 6 and 7 of the then-applicable Code of Professional Responsibility, DR 1-102(1,5,6); DR 6-101(A)(3); DR 7-101(A)(1-3). Costs were assessed in the amount of \$116.75.