

NOTICE OF SUSPENSION

Case No. 91-10-JC

Elbert L. Hatchett, P14735, Pontiac, Michigan, by the Michigan Supreme Court modifying an Attorney Discipline Board order reducing a hearing panel order of suspension for a period of 120 days to 119 days, and reinstating the hearing panel order of suspension for 120 days.

- 1) Suspension - 120 days;
- 2) Effective August 27, 1991.

Respondent was found guilty in the United States District Court for the Eastern District of Michigan of four misdemeanor counts of failure to pay income tax in violation of 26 USC 7203. Following a hearing conducted in accordance with MCR 9.120(A) [now MCR 9.120(B)], the hearing panel concluded that the respondent's license to practice law in Michigan should be suspended for a period of 120 days.

The Grievance Administrator filed a petition for review seeking an increase in the discipline imposed. Respondent filed a cross-petition for review seeking a decrease in the discipline imposed. The automatic stay of discipline created by respondent's timely filing of the cross-petition for review was vacated by order of the Attorney Discipline Board on August 27, 1991, the date of respondent's incarceration.

In an order and opinion issued on February 14, 1992, the Attorney Discipline Board reduced the discipline imposed to a suspension of 119 days, adopting the panel's recommendation that respondent should not be eligible for reinstatement while he was imprisoned in a federal correctional facility.

The Grievance Administrator filed an application for leave to appeal with the Michigan Supreme Court seeking an increase in the discipline imposed. In an order issued on September 18, 1992, the Michigan Supreme Court modified the Attorney Discipline Board order and reinstated the hearing panel order of suspension for a period of 120 days, including the hearing panel's ruling that respondent shall not be eligible to file a petition for reinstatement while imprisoned in a federal correctional facility. Costs were assessed in the amount of \$286.14.