

## NOTICE OF SUSPENSION AND RESTITUTION

Case No. 91-95-GA

Kenneth L. Whitehead, P28346, Newton, Iowa (formerly of Battle Creek, Michigan), by Attorney Discipline Board Kalamazoo County Hearing Panel #2.

- 1) Suspension - 150 days;
- 2) Effective August 16, 1991.

Respondent failed to answer the formal complaint and failed to appear at the hearing held in Paw on June 27, 1991. Respondent's default was entered and the panel determined that the default established the allegations of the formal complaint. Respondent was retained to represent the defendant in a criminal matter, but failed to appear for three scheduled court hearings, failed to notify his client of the three court hearings, failed to take any action concerning the outstanding arrest warrant against his client, failed to keep his client informed concerning the status of the matter, failed to refund the unearned \$500.00 retainer fee. Respondent was retained to represent another defendant in a criminal matter, but failed to file an appearance on his client's behalf, failed to perform any services on his client's behalf, failed to keep his client informed concerning the status of the matter, and failed to refund the unearned \$425.00 retainer fee. Respondent's conduct was found to be in violation of MCR 9.104 (1-4); and the Michigan Rules of Professional Conduct, 1.1(c); 1.3; 1.4(a,b); 1.16(d); 8.4(a,c). The panel ordered the respondent to make restitution to his clients in the total amount of \$925.00. Costs were assessed in the amount of \$247.72.