

NOTICE OF INCREASED SUSPENSION

Case No. 91-76-GA

Thomas J. Shannon, P35152, Detroit, Michigan, by the Attorney Discipline Board increasing a hearing panel suspension of 12 months.

- 1) Suspension - two years;
- 2) Effective June 3, 1991.

Respondent, a 36th District Court Magistrate, was the subject of a proceeding before the Judicial Tenure Commission (JTC) which resulted in a recommendation to the Supreme Court that the respondent be suspended from his judicial post for 120 days. In accordance with MCR 9.116, a separate complaint setting forth the facts of the alleged misconduct was filed with the Attorney Discipline Board and assigned to a hearing panel.

Based upon its consideration of the record before the JTC, the panel concluded that respondent had committed acts of professional misconduct warranting a suspension of one year. Specifically, the panel concluded that, prior to his appointment as a magistrate, respondent had neglected various criminal and civil matters entrusted to him by clients; had engaged in misrepresentation in his statements to clients, the Attorney Grievance Commission and the JTC; wrote a check to a court reporter which was dishonored for insufficient funds; signed his client's name on an affidavit accompanying a motion for new trial without his client's knowledge or consent; failed to comply with a court order appointing substitute counsel, and failed to abide by the terms of an agreement with the JTC in which the respondent agreed to resign as a magistrate.

Respondent's conduct was found to be in violation of MCR 9.104 (1-4,6); the Michigan Rules of Professional Conduct, 1.1(c); 1.2(a); 1.3; 1.4; 3.2; 8.1(a,b); 8.4(a-c); and Canons 1, 6 and 7 of the then-applicable Code of Professional Responsibility, DR 1-102 (A)(1,4-6); DR 6-101(A)(3); DR 7-101(A)(1-3).

On review, the Board considered the applicability of MCR 9.116 (D)(1) and MCR 9.116(D)(3) in light of respondent's termination as a magistrate subsequent to the hearing before the panel but prior to the issuance of the panel's report and order. The Board ruled that respondent's removal from his judicial position allowed the panel to impose any type of discipline authorized by the court rules and the matter was remanded to the panel for a further hearing on discipline. In an order and opinion issued June 10, 1992, the Board adopted the recommendation of the panel and increased discipline to a suspension of two years effective June 3,

1991.

Respondent's motion for reconsideration was denied by the Board on July 16, 1992. Respondent filed an application for leave to appeal with the Supreme Court which was denied in an order dated October 12, 1992. Costs have,been assessed in the amount of \$463.11.