

## NOTICE OF SUSPENSION

ADB 246-88; 255-88

Alphonse Lewis, Jr., P-16624, Grand Rapids, Michigan, by the Attorney Discipline Board affirming a hearing panel order of suspension.

- 1) Suspension - 180 days;
- 2) Effective October 22, 1990\*.

The Calhoun County Hearing Panel concluded that misconduct had been established by a preponderance of the evidence regarding Counts I and III of Formal Complaint 246-88.

Respondent was retained to prosecute a worker's compensation claim; a redemption order was entered providing for payment of \$13,488.95 to the client. Respondent received a settlement draft in that amount payable to the order of his client; the client requested that the respondent cash the draft for her. Respondent agreed to negotiate the draft, gave his client \$3000.00 in cash, and told her that he would give her the balance when the draft cleared the bank. Respondent commingled the funds of his client with his own, failed to pay his client the balance, and misappropriated his client's share of the proceeds.

Respondent was retained to prosecute a legal malpractice action; the claim was settled in his client's favor in the amount of \$6000.00. An insurance company draft in that amount payable to the respondent and his client was forwarded to the respondent and endorsed. Respondent deposited the draft to the commercial account of a third person, commingling it with the funds of others, and failed to pay his client the settlement proceeds.

Respondent's conduct was found to be in violation of MCR 9.104(1-4) and Canons 1 and 9 of the Code of Professional Responsibility, DR 1-102(A)(1,4-6); DR 9-102(A); and DR 9-102(B)(4).

Respondent and the Grievance Administrator both filed petitions for review. In an order dated July 31, 1990, the Attorney Discipline Board affirmed the hearing panel order of suspension. Respondent's motion for reconsideration was denied. Respondent's motion to amend effective date of the suspension to October 22, 1990 was granted. Respondent's application for leave to appeal was denied by the Michigan Supreme Court in an order dated October 19, 1990. Costs were assessed in the amount of \$2307.62.