

## NOTICE OF SUSPENSION

Case Nos. 90-131-GA; 90-143-FA

John G. Harte, P33510, Detroit, Michigan by Attorney  
Discipline Board Tri-County Hearing Panel #54.

- 1) Suspension - two (2) years;
- 2) Effective November 21, 1990.

Respondent failed to answer the formal complaint and failed to appear at the hearing held in Bloomfield Hills on September 24, 1990. Respondent's default was entered and the panel determined that the default established the allegations of Formal Complaint 90-131-GA. Formal Complaint 90-143-FA was dismissed without prejudice.

Respondent was retained to prosecute a divorce action and paid a fee of \$450.00, but failed to take any action on his client's behalf, failed to communicate with his client, failed to timely return his client's fee, failed to notify his client of his suspension from the practice of law (ADB 59-88, et al. See notice dated 9-12-89), failed to refrain from holding himself out as an attorney while suspended, and failed to file affidavits required by the previous order of suspension.

In a separate matter, respondent was retained to prosecute civil litigation, but failed to serve the defendant within the set time limits, failed to appear at a hearing, failed to file a motion to reinstate the litigation, failed to file a new cause of action, failed to adequately communicate with his client, failed to inform his client of the dismissal of the litigation, failed to refrain from holding himself out as an attorney while suspended, and failed to notify his client of his suspension and the location of her file.

Respondent's conduct was found to be in violation of MCR 9.104 (1-4,8,9) and the Michigan Rules of Professional Conduct, 1.1(c), 1.2(a), 1.3, 1.4(a), 1.16(d) and 8.4 (a-c). The panel entered an order suspending respondent's license for a period of three years and one day. Respondent filed a motion for reconsideration of that order, seeking an opportunity to present evidence in mitigation and address the appropriate level of discipline to be imposed. The panel granted that motion, a second hearing was held, and the panel entered an order reducing the suspension to two years. Costs were assessed in the amount of \$371.24.