

## NOTICE OF SUSPENSION

Case No. ADB 252-88

David A. Nelson, P-18227, Ortonville, Michigan, by the Attorney Discipline Board increasing a 90-day hearing panel suspension.

- 1) Suspension - 180 days;
- 2) Effective October 31, 1990.

Genesee County Hearing Panel #3 concluded that misconduct had been established regarding the following allegations. As attorney for the conservator of the estate of a minor, the respondent failed to place the funds of the ward in a restricted account as specifically ordered by the probate court; placed the funds into his own trust account; failed to furnish the court with evidence regarding the location of the ward's funds; commingled and misappropriated the funds; and, provided false information regarding those funds to the Attorney Grievance Commission.

Respondent's conduct was found to be in violation of MCR 9.104 (1)-(4)and(6); MCR 9.113; and Canons 1, 6, 7 and 9 of the then-applicable Code of Professional Responsibility, DR 1-102(A)(4)-(6); DR 6-101(A)(3); DR 7-101(A); DR 9-102(A); and DR 9-102(B)(3)and(4).

The panel considered both mitigating and aggravating factors, and issued an order suspending the respondent's license for a period of ninety days with conditions.

Respondent filed a "limited petition for review" seeking a suitable cost payment plan and a ruling on the panel's decision to quash certain subpoenas. The Grievance Administrator filed a cross-petition for review seeking an increase in the discipline imposed. The Attorney Discipline Board increased the suspension to 180 days, affirmed the panel's conditions, granted the motion for payment plan, and affirmed the panel's decision to quash subpoenas.

Respondent filed a motion for reconsideration, which was denied by the Attorney Discipline Board.

Respondent filed an application for leave to appeal, which was denied by the Michigan Supreme Court. His motion for reconsideration was also denied by the Supreme Court. His renewed motion for rehearing filed with the Supreme Court remained pending at the time of the revocation of his license in Case Nos. 91-267-GA, et al, effective January 1, 1992.

Costs were assessed in the amount of \$1810.31.