

NOTICE OF SUSPENSION

ADB 220-88; 6-89; 24-89

Dennis J. Bergevin, P-24976, Bay City, Michigan, by Attorney Discipline Board Genesee County Hearing Panel #5.

- 1) Suspension - thirty days;
- 2) Effective March 23, 1990.

The respondent failed to answer the formal complaints, but appeared at the hearings held in Flint on November 4, 1988 and May 17, 1989. Respondent's defaults were entered and the hearing panel determined that the defaults established the allegations of the formal complaints.

The respondent was retained to act as attorney for an estate and petitioned the Bay County Probate Court to commence independent probate proceedings, but failed to timely file an inventory, failed to appear for a conference, failed to timely file the personal representative's first and final account, failed to publish claims, failed to file personal bond on behalf of the personal representative, failed to complete the estate and file for discharge, failed to notify the court of any complication arising from the lien on funds, and failed to answer the request for investigation.

In a separate matter, the respondent was retained to defend a contract matter and was paid \$1600.00 in fees, but failed to advise his client of the status of his efforts, failed to inform his client that an unfavorable mediation award had been entered, failed to object to the mediation award and accepted it without his client's consent, made false statements to his client, and failed to answer the request for investigation.

Respondent's conduct was found to be in violation of MCR 9.104 (1-4,7); MCR 9.103(C); MCR 9.113(B)(2); and Canons 1, 6, and 7 of the Code of Professional Responsibility, DR 1-102(A)(1,4-6); DR 6-101(A)(3); and DR 7-101(A)(1-3). Costs were assessed in the amount of \$516.06.