

NOTICE OF REPRIMAND

ADB 160-89; 166-89

Mark M. Muniak, P-34322, Charlevoix, Michigan, by Attorney Discipline Board Grand Traverse County Hearing Panel.

- 1) Reprimand;
- 2) Effective March 6, 1990.

The respondent failed to answer the first formal complaint, but appeared at the hearings held in Traverse City on December 4, 1989 and January 5, 1990. Respondent's default was entered, and the hearing panel determined that the default established the allegation of the formal complaint.

The respondent joined the Michigan Appellate Assigned Counsel System roster in April, 1987, but failed to file a trial court motion or a claim of appeal in 32 of the 57 assignments he received from MAACS from June, 1987 through March, 1989.

Respondent's conduct was found to be in violation of MCR 9.104(1-4); Canons 1, 6 and 7 of the Code of Professional Responsibility, DR 1-102(A)(1,5,6); DR 6-101(A)(3); DR 7-101(A)(1-3); and MRPC 1.1(c); 1.2(a); 1.3; 1.4; and 8.4(a,c).

In mitigation the panel found that, although the charges were serious, no substantial injustice was caused to any person, the respondent received no compensation for these cases, the evidence overwhelmingly demonstrates that the respondent is normally a competent and conscientious practitioner who truly regrets this incident, and the respondent has removed himself from the MAACS system.

Costs were assessed in the amount of \$632.26.