

## NOTICE OF SUSPENSION

ADB 103-89; 133-89

James A. O'Toole, P-24856, Mt. Clemens, Michigan, by  
Attorney Discipline Board Macomb County Hearing Panel #7.

- 1) Suspension - 120 days;
- 2) Effective November 18, 1989.

The respondent failed to answer the formal complaints and failed to appear at the hearing held in Mt. Clemens on September 21, 1989. Respondent's default was entered and the hearing panel determined that the default established the allegations of the formal complaints. The respondent was retained to defend a divorce action and was paid a fee in the amount of \$500, but failed to consult with and explain to his client the provisions of a proposed judgment for divorce; failed to approve, on behalf of his client, the proposed judgment prepared by counsel for plaintiff; failed to appear in response to a notice for entry of the judgment; permitted the entry of the judgment without the prior approval of 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)(1,5,6); DR 6-101(A)(3); and DR 7-101(A)(B). Costs were assessed in the amount of \$109.60.