

NOTICE OF SUSPENSION

ADB 59-88; 125-88; 144-88; 157-88; 227-88

John G. Harte, P-33510, Detroit, MI by the Attorney Discipline Board reducing a two-year suspension imposed by a hearing panel.

- 1) Suspension - one year;
- 2) Effective September 9, 1989.

Based upon the respondent's default for failure to answer, the hearing panel found that the allegations of misconduct in five consolidated complaints were established. Those complaints alleged that the respondent neglected five separate legal matters entrusted to him by clients, failed to answer five Requests for Investigation, failed to answer a formal complaint, failed to pay for the publication of legal notices, misrepresented the status of a case to a client, made misleading statements in an answer to a Request for Investigation, failed to release documents belonging to a client to substitute counsel and failed to disburse funds entrusted to him by a client. Those acts and omissions were deemed to be in violation of MCR 9.104(1-4,7); MCR 9.103(C); MCR 9.113(B) (2) and Canons 1, 6, 7 and 9 of the Code of Professional Responsibility, DR 1-102(A)(1,4-6); DR 6-101(A) (3); DR 7-101(A) (1-3); DR 9-102(A) and DR 9-102(B)(4).

The hearing panel considered the evidence presented by the respondent in mitigation and ordered that he be suspended for two years with the further condition that he continue weekly attendance at support groups in connection with his recovery from an impairment. Upon consideration of the petition for review filed by the respondent, the Attorney Discipline Board reduced discipline to a suspension for one year with the conditions pertaining to therapy to remain in effect for two years. In the majority opinion of three members of the Board, it was held that a suspension of two years would be unduly punitive in light of the mitigating factors presented. Two members, dissenting, would affirm the panel's order. Costs were assessed in the amount of \$763.02.