

NOTICE OF SUSPENSION(S)
(By Consent)

DP 11/85; 59/86
ADB 231-87; 1-88; 141-88; 161-88

Owen Patrick O'Neill, P-25734, Detroit, MI by Wayne County Hearing Panel #4 approving the terms of a Stipulation for Consent Order of Discipline.

- 1) ADB 141-88; 161-88
Suspension - 180 days;
Effective September 6, 1989
- 2) DP 11/85; 59/86
Suspension - 120 days;
Effective September 6, 1989
- 3) ADB 231-87; 1-88
Suspension - 120 days;
Effective September 6, 1989

In accordance with MCR 9.115(F), a hearing panel and the Attorney Grievance Commission approved the terms of a stipulation for a consent order of discipline in which the respondent admitted certain allegations of misconduct in complaints ADB 141-88 and 161-88. The parties agreed that the respondent should be suspended from the practice of law for a period of six months and that he provide monthly verification of his continuing treatment for an alleged impairment.

The stipulation further provided that the petitions for review pending before the Attorney Discipline Board in two other matters, both involving separate suspensions of 120 days, would be dismissed and that those suspensions would run concurrently with the suspension approved by the hearing panel. Discipline is imposed for the following misconduct:

ADB 141-88; 161-88--in a stipulation for consent discipline, the respondent admitted that he was retained by two clients to represent them in matters pending in Michigan and in the State of Texas but that he failed to communicate with his clients concerning his efforts and neglected a legal matter entrusted to him. The respondent further admitted that during his representation of a client, he borrowed the sum of \$1000 without advising his client to seek other counsel and without repaying the borrowed sums. The respondent failed to answer two Requests for Investigation. Respondent's conduct was alleged to be in violation of MCR 9.104(1-4,7); MCR 9.103(C); MCR 9.113 (B)(2) and Canons 1, 5, 6,

7 of the Code of Professional Responsibility, DR 1-102(A)(1, 4-6); DR 5-101(A); DR 5-104(A); DR 6-101(A)(3) and DR 7-101(A)(3). Costs were assessed in the amount of \$282.38.

DP 11/85; 59/86 -- the respondent was ordered to show cause to Wayne County Hearing Panel #19 why his failure to comply with the terms of a prior order of probation should not result in a further order of discipline. The panel found that the respondent was placed on probation for a period of two years in November 1986 but that the respondent failed to comply with the treatment conditions in the order and failed to file the required monthly reports. The panel found that the respondent was incapable of voluntarily complying with the order and that he should be suspended for a period of 120 days and until he was able to establish his eligibility for reinstatement. Costs were assessed in the amount of \$107.50.

ADB 231-87; 1-88--the panel concluded that the respondent's default for failure to answer the complaint constituted his admission to charges that he failed to appear in court on his client's behalf in a criminal matter, failed to communicate with his client and moved his office without notice to the client, failed to refund the unearned attorney fees which had been paid, failed to answer a Request for Investigation and failed to answer the formal complaint. 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, 2, 6, 7 of the Code of Professional Responsibility, DR 1-102(A)(1,5,6); DR 2-110(A)(3); DR 6-101(A)(3) and DR 7-101(A)(1-3). The panel imposed a suspension of 120 days with reinstatement conditioned upon restitution of unearned fees in the amount of \$1000. Costs were assessed in the amount of \$321.62.