

NOTICE OF SUSPENSION

ADB 67-88; 187-88

Barry P. Boyer, P-29940, Mt. Clemens, MI by the Attorney Discipline Board vacating an order of reprimand and increasing discipline.

- 1) Suspension - 30 days;
- 2) Effective September 2, 1989.

The respondent's default was entered for failure to answer a seven-count complaint filed by the Grievance Administrator. On appeal, the Attorney Discipline Board ruled that the default constituted admissions to the factual allegations in the complaint and that the hearing panel erred in dismissing five of the seven counts. The Board specifically reversed the panel's decision that failure to file a timely answer to a Request for Investigation does not constitute professional misconduct where the late filing does not prejudice the Grievance Administrator. The Board ruled that the counts based upon respondent's failure to pay a typing fee and the issuance of checks drawn on insufficient funds warranted discipline no greater than a reprimand in light of the mitigating circumstances presented. The Board concluded, however, that the failure to file timely answers to three Requests for Investigation, aggravated by the failure to answer the formal complaint, warranted a suspension of thirty days.

The 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)(1,3-6); DR 6-101(A)(3) and DR 7-101(A)(1-3). Costs were assessed in the amount of \$310.31.