

NOTICE OF SUSPENSION

ADB 275-88

Joseph Malfait, P-31174, Port St. Lucie, Florida, by Attorney
Discipline Board Macomb County Hearing Panel #3.

- 1) Suspension - one year;
- 2) Effective June 24, 1989.

The respondent failed to answer the Formal Complaint and failed to appear at the hearing in Mt. Clemens on March 7, 1989. Respondent's default was entered and the hearing panel determined that the default established the allegations of the Formal Complaint. Respondent was retained to represent a client in connection with post judgment divorce proceedings concerning child support but failed to complete litigation and abandoned his representation of his client without her knowledge or consent. In a separate matter, Respondent entered into an agreement to sell real estate but closed the sale and negotiated the check for the purchase price knowing that the title to the property was encumbered. Respondent failed to answer both Requests 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 and 6 of the Code of Professional Responsibility, DR 1-102(A)(1,4-6); and DR 6-101(A)(3). The hearing panel took into consideration Respondent's prior suspension of 180 days, effective January 5, 1989. (See Notice dated 1/5/89.) Costs were assessed in the amount of \$121.41.