

NOTICE OF SUSPENSION

ADB 72-88

Robert G. Rooyakker, P-19607, Birmingham, Michigan, by the Attorney Discipline Board affirming a hearing panel Order of Suspension.

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

Based upon the pleadings and evidence presented, the hearing panel found that the respondent neglected legal matters entrusted to him by seven clients and that he made misrepresentations to his clients regarding the status of their cases. The panel further found that Respondent neglected to transfer securities held on behalf of a client and failed to deposit the dividends received on his client's behalf. The respondent continued to disburse funds to that client, resulting in the misuse of funds held in the trust account on behalf of another client. The panel noted, however, that there was no showing that trust account funds were misappropriated for Respondent's personal use. The medical testimony offered by the respondent was rejected by the panel as an affirmative defense or as grounds for an order of probation but was considered by the panel in mitigation. The respondent's conduct was found to be in violation of MCR 9.104(2-4) and Canons 1, 6, 7 and 9 of the Code of Professional Responsibility, DR 1-102(A)(3-6); DR 6-101(A)(3); DR 7-101(A)(1-3) and DR 9-102(A)&(B)(2-4). Upon consideration of the respondent's Petition for Review, the Attorney Discipline Board, by a majority, affirmed the hearing panel order of suspension. (Two dissenting members would reduce discipline to a suspension of 119 days with certain conditions; one member would affirm the one-year suspension but would impose further conditions.) Respondent's application for leave to appeal was denied by the Supreme Court in an order dated June 2, 1989. Costs were assessed in the amount of \$648.03.