

NOTICE OF SUSPENSION

Case No. DP 155/86

Thomas C. Bayles, P-22833, Highland Park, Michigan, by the Attorney Discipline Board affirming a hearing panel order of suspension.

- 1) Suspension - sixty days;
- 2) Effective May 2, 1989.

The hearing panel considered the allegations in a four-count complaint filed by the Grievance Administrator. At the time of the hearing, respondent was a district judge. Based upon the evidence presented, including the record of proceedings before the Michigan Judicial Tenure Commission, the hearing panel concluded that professional misconduct was established as to each count. Discipline was imposed separately in each count as follows: Count I--the respondent's failure to file income tax returns with the State of Michigan for the years 1979 through 1984 and his failure to file tax returns with the City of Highland Park for the years 1976 through 1984 constituted misconduct in violation of MCR 9.104(1,5) and Canon 1 of the Code of Professional Responsibility, DR 1-102(A) (4,6) and warranted a suspension of thirty days. Count II--the respondent's overt political activity while serving as a district judge in Highland Park was found to be a violation of MCR 9.104(1-4) warranting a concurrent suspension of sixty days. Count III--while sitting as a district judge, the respondent failed to recuse himself from a matter pending before his court despite his personal involvement in political activities closely related to that case. The panel found that the respondent's conduct was in violation of MCR 9.104(1-4). The panel found that the respondent exercised poor judgment and concluded that a reprimand was appropriate. Count IV--The respondent was endorsed and called as a witness in proceedings before a master appointed by the Judicial Tenure Commission. The hearing panel found that the respondent's refusal to be sworn as a witness constituted a violation of MCR 9.104(1-4) which warranted a suspension of thirty days. Costs were assessed in the amount of \$439.73.

A petition for review filed by the Grievance Administrator seeking modification of the hearing panel order was considered by the Board, which concluded that the hearing panel order should be affirmed.