

NOTICE OF SUSPENSION

ADB 71-88

Michael E. Thomas, P-25798, Flint, Michigan, by the Attorney Discipline Board affirming a Hearing Panel Order of Suspension.

- 1) Suspension - sixty (60) days;
- 2) Effective February 16, 1989.

The Respondent admitted the charges of the Formal Complaint. Respondent received the sum of \$11,411.80 from his client with the understanding that those funds were to be used to pay for the client's in-home nursing care. The Respondent failed to deposit those funds in a separate account as required by DR 9-102(A) but placed the funds in an account in the name of the Respondent and his wife. Respondent also prepared a deed conveying his client's interest in her home to the Respondent and the client as joint tenants, but failed to advise his client that she should seek independent counsel, failed to decline employment in the preparation of the deed when he knew that he would obtain an interest in the property, and failed to advise the client that Respondent would become the sole owner of the property upon her death. Respondent failed to petition the probate court for appointment of a conservator to protect his client's estate. Respondent's conduct was found to be in violation of MCR 9.104(1-4); and Canons 1, 2, 5, 6, 7 and 9 of the Code of Professional Responsibility, DR 1-102(A)(1,4-6); DR 2-110(B)(2); DR 5-101(A); DR 5-105(A); DR 6-101(A)(3); DR 7-101(A)(1-3); and DR 9-102(A). The panel considered the mitigating effect of Respondent's prior unblemished record, his deep religious convictions, and his testimony that the transactions were motivated primarily to assist his client in qualifying for certain Medicaid benefits. Upon consideration of Petitions for Review filed by the Respondent and the Grievance Administrator, the Attorney Discipline Board affirmed the findings and conclusions of the panel. Costs were assessed in the amount of \$773.52.