

NOTICE OF INCREASED SUSPENSION AND RESTITUTION

ADB 66-88; 91-88; 109-88

Michael J. Kavanaugh, P-23977, Novi, Michigan, by the Attorney Discipline Board increasing a hearing panel order of suspension for two years and eleven months.

- 1) Suspension - three years and six months;
- 2) Effective March 10, 1989.

The respondent failed to answer the Formal Complaints, but appeared at the hearings held in Troy on June 9, 1988 and November 15, 1988. Respondent's default was entered and the hearing panel determined that the default established the allegations of the Formal Complaints.

The respondent's license to practice law was suspended for 119 days effective August 15, 1986 as the result of a prior disciplinary proceeding. The complaints filed by the Grievance Administrator alleged that he failed to notify his clients of his change of status, that he continued to practice law and provide legal services to those and new clients during the suspension, that he failed to withdraw as attorney of record from cases pending on court dockets, that he filed a false affidavit of compliance, that he failed to answer Requests for Investigation and that he failed to answer two formal complaints. Respondent's conduct was found to be in violation of MCR 9.104(1-4,8); MCR 9.119; MCLA 600.916; and Canons 1, 3, 6, and 7 of the Code of Professional Responsibility, DR 1-102(A)(1,5,6); DR 6-101(A)(3); DR 3-101(B) and DR 7-101(A)(1-3).

The Grievance Administrator filed a petition for review seeking an increase in discipline. Based upon its review of the record and the respondent's prior disciplinary record, the Board increased the two year and eleven months suspension imposed by the panel to a suspension of three years and six months. Total costs were assessed in the amount of \$639.95.