

NOTICE OF SUSPENSION

ADB 124-89; 146-89

Michael J. Kavanaugh, P-23977, Milford, Michigan, by Attorney Discipline Board Oakland County Hearing Panel #16.

- 1) Suspension - one year;
- 2) Effective March 10, 1989.

The respondent failed to answer the formal complaints, but appeared at the hearing held in Birmingham on October 13, 1989. Respondent's motion to set aside default was denied. The default was entered and the hearing panel determined that the default established the allegations of the formal complaints.

Respondent was retained to prosecute a personal injury action, but allowed the cause to be dismissed for lack of progress, failed to notify his clients of his suspension (File No. DP-74/85, 119 days, effective August 15, 1986), failed to notify his clients that there was a dismissal pending, and failed to file a motion to withdraw.

In a separate matter, the respondent was retained to represent a client for a claim for insurance benefits, but failed to answer admissions of fact, failed to take action to protect his client's position, failed to notify his client of his suspension, failed to notify his client that a hearing was scheduled, failed to file a motion to withdraw, and failed to answer the request for investigation.

In another matter, respondent was retained to represent clients in a tax matter, but failed to file the required form by the deadline and made false statements to his clients.

Respondent's conduct was found to be in violation of MCR 9.104(1-4,7,8); MCR 9.103(C); MCR 9.113(B)(2); MCR 9.119; MCL 600-916; and Canons 1, 3, 6 and 7 of the Code of Professional Responsibility, DR 1-102(A)(1,4-6); DR 3-101(B); DR 6-101(A)(3); and DR 7-101(A)(1-3).

The hearing panel ordered that the respondent's license to practice law be suspended for a period of one year effective March 10, 1989, to run concurrently with the suspension of three years and six months which commenced on the same date in ADB Case Nos. 66-88; 91-88; 108-88. Costs were assessed in the amount of \$194.52.