

## NOTICE OF SUSPENSION

ADB 98-88; 156-88

Robert L. Malmsten, P-32643, Southgate and Trenton, Michigan,  
by Attorney Discipline Board Wayne County Hearing Panel #5.

- 1) Suspension - 120 days;
- 2) Effective November 4, 1988.

The Respondent failed to answer the Formal Complaints and failed to appear at the hearing in Detroit on July 11, 1988. Respondent's default was entered and the hearing panel determined that the default established the allegations of the Formal Complaint. Respondent was retained to institute a personal injury action and filed suit on her behalf; he failed to communicate with his client concerning the status of the matter; and without notice to his client of permission of the court, discontinued prosecution of the case. In a separate matter, Respondent was retained to institute divorce proceedings but failed to effect service of process on the defendant causing dismissal of the case, refused to communicate with his client concerning the status of the matter, and failed to refund attorney fees paid in advance that had not been earned. Respondent also failed to answer two Requests for Investigation. Respondent's conduct was found to be in violation of MCR 9.104(1-4,7); MCR 9.103(C); MCR 9.113(B)(2); and Canons 1, 2, 6 and 7 of the Code of Professional Responsibility, DR 1-102(A)(1,5,6); DR 2-110(A)(3); DR 6-101(A)(3); and DR 7-101(A)(1-3). Costs were assessed in the amount of \$161.64 in addition to restitution to a client in the amount of \$450.00.