

## NOTICE OF SUSPENSION

ADB 219-87; 247-87

William A. House, P-23849, Detroit, Michigan by the Attorney Discipline Board affirming a hearing panel order of suspension.

- 1) Suspension - two years;
- 2) Effective October 1, 1988.

The respondent, while serving as a trustee in bankruptcy, was convicted of criminal contempt in the United States Bankruptcy Court for his failure to fulfill the obligations of a trustee and for his misappropriation of approximately \$70,000 paid to him as trustee.

Respondent's conduct was found to be in violation of MCR 9.104(1-5) and Canons 1 and 9 of the Code of Professional Responsibility, DR 1-102(A)(3-6) and DR 9-102(A)(B). The hearing panel reported that testimony regarding the respondent's psychiatric condition at the time of the misconduct and the respondent's subsequent restitution with interest were considered in mitigation.

Separate petitions for review were filed by the respondent and the Grievance Administrator. The Board ruled that forced or compelled restitution should generally be given little or no weight as a mitigating factor but that the unique psychological circumstances described in this case warranted affirmation of the two-year suspension imposed by the panel. The respondent's motion for reconsideration was denied by an order of the Board filed September 15, 1989. Costs were assessed in the amount of \$957.40.

NOTE: The notice of suspension pending appeal issued October 13, 1988 had an effective date of May 19, 1988. The Board's order modified the effective date of the discipline to October 1, 1988.

In an order dated May 30, 1990, the respondent's application for leave to appeal was denied by the Michigan Supreme Court.