

## NOTICE OF SUSPENSION

ADB 83-88; 178-88

David M. Jutkowitz, P-25885, Oak Park, Michigan by the Attorney Discipline Board denying respondent's Motion for Reconsideration but Modifying the Effective Date of an earlier Order of Suspension issued by a hearing panel.

- 1) Suspension - two years and six months;
- 2) Effective July 25, 1988.

In an order filed July 20, 1990, the Attorney Discipline Board denied the respondent's motion for reconsideration but further modified the effective date of an order of suspension issued by Wayne County Hearing Panel #20 and modified by the Board.

The respondent was charged in a sixteen-count complaint with failure to take action and failure to communicate with his clients, failure to answer two Requests for Investigation, engaging in the practice of law in violation of a previous order of suspension and making false statements in an affidavit of compliance. The respondent failed to file a timely answer to that complaint. A subsequent complaint charged that the respondent neglected a legal matter and failed to answer a Request for Investigation.

Respondent's conduct was alleged to be in violation of MCR 9.104(1-4,7,8); MCR 9.103; MCR 9.113(B)(2) and Canons 1, 2, 3, 6 and 7 of the Code of Professional Responsibility, DR 1-101(A)(1,3-6); DR 2-106(A); DR 3-101(B); DR 6-101(A)(3) and DR 7-101(A)(1-3).

A stipulation for consent order of discipline was submitted to the hearing panel by the parties after the panel had commenced its deliberations. The panel rejected the two and one-half year suspension proposed by the parties and ordered that respondent be suspended for three years. Upon appeal, the Board ruled that the panel acted within its discretion by rejecting the stipulation but the Board reduced discipline to a suspension of two and one-half years on other grounds. Costs were assessed the amount of \$157.89.