

NOTICE OF SUSPENSION

ADB 204-87; 233-87

Arthur R. Porter, Jr., P-34977, Detroit, Michigan, by the Attorney Discipline Board vacating a Hearing Panel Order of Revocation.

- 1) Suspension - five years;
- 2) Effective April 13, 1988.

Based upon the evidence presented and Respondent's Answer to the Complaint, the panel concluded that misconduct had been established as alleged in two Formal Complaints. The Respondent was retained to probate a decedent's estate but failed to prepare and file an inventory of the assets or the required annual accountings, failed to pay creditors of the estate and failed to withdraw as independent personal representative. The panel further found that Respondent established a separate account into which he deposited funds belonging to the estate in the amount of \$18,969.03 and misappropriated the approximate sum of \$14,310.00 from that account. Respondent's failure to file a timely answer to the Formal Complaint was deemed to constitute separate misconduct. Respondent's conduct was found to be in violation of MCR 9.104(1-5,7); and Canons 1, 6, 7 and 9 of the Code of Professional Responsibility, DR 1-102(A) (3-6); DR 6-101(A)(3); DR 7-101(A)(1-3) and DR 9-102(B)(1,3,4). Costs were assessed in the amount of \$408.82.

Upon consideration of the Respondent's Petition for Review, the Attorney Discipline Board affirmed the findings and conclusions of the panel but voted, by majority, to vacate the Order of Revocation and impose a suspension of the Respondent's license to practice law for a period of five years.