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Attorney Discipline Board



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NOTICE OF ORDERS OF REVOCATION

File Nos. DP 91/85, DP 152/85; DP 222/86

Thomas A. Nickels, P27008, 280 Islandview Drive, Alpena,
MI 49707.

- (1) Revocation;
- (2) Effective April 16, 1987 (File No. DP 91/85; DP 152/85) April 16, 1987 (File No. DP 222/86)

As the result of separate disciplinary proceedings before two Hearing Panels of the Attorney Discipline Board, an Order of Revocation was filed by each Panel on March 25, 1987. The Orders of Revocation, which run concurrently, became effective April 16, 1987.

The Traverse City Hearing Panel considered Complaints DP 91/85 and DP 152/85 which were consolidated for hearing. The Complaint in DP 91/85 charged that Respondent was retained by a client in April 1984 to institute a divorce action on her behalf. Respondent filed a Complaint for divorce and made arrangements for a service of a Summons and Complaint upon the Defendant in Wayne County. On May 30, 1984, Respondent was notified that the Wayne County Sheriff was unable to serve process upon the Defendant. Thereafter, Respondent failed to take any further action and the Complaint was dismissed by the Court on November 2, 1984. The Complaint further charged that Respondent failed to notify his client that her case had been dismissed although he requested that she pay further fees which he accepted in January 1985. Count II of that Complaint alleged that the Respondent submitted an Answer to the Request for Investigation which was misleading and incomplete. Respondent filed an Answer to that Complaint but failed to appear at the hearing. Based upon the evidence presented, the Panel found that the charges had been proven and that Respondent's conduct constituted violations of MCR 9.104(1-4)(7), MCR 9.113(A) and Canons 1, 6 & 7 of the Code of Professional Responsibility DR 1-102(A)(1)(5)(6); DR 6-101(A)(2)(3) and DR 7-101(A)(1-3).

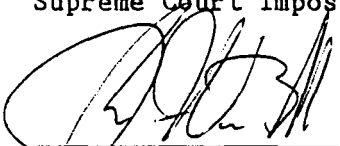
Respondent failed to file an Answer to Complaint DP 152/85. By virtue of the Default, the Panel concluded that those charges had been established to wit: that in his representation of a client in a divorce matter in Cheboygan County, Respondent purchased a Toyota Pick-up Truck from his client at less than its fair-market value although he knew that the vehicle was a joint

marital asset subject to the jurisdiction of the Court and he took possession of other marital property including a boat and trailer and an all-terrain vehicle. On June 18, 1985, an Order was entered by the Cheboygan County Circuit Court directing him to return that property but Respondent willfully failed to comply with the Court's Order and actively concealed those items. Respondent's conduct was found to be in violation of MCR 9.104(1-4) and Canons 1 and 7 of the Code of Professional Responsibility DR 1-102(A)(4-6) and DR 7-102(A)(1-3)(7).

That Hearing Panel concluded that a Revocation of Respondent's license was appropriate in light of a prior disciplinary history reflecting a pervasive pattern of disregard and disrespect for an attorney's duty to deal truthfully with clients, the courts and other members of the legal profession. Costs were assessed in the amount \$237.04.

In separate proceedings brought before Wayne County Hearing Panel #11, Respondent failed to Answer the Formal Complaint and failed to appear before the Panel. The Panel found that Respondent was suspended from the practice of law for three years by an Order of the Supreme Court effective October 18, 1985 (reducing an Order of Revocation entered by the Attorney Discipline Board) and that the Order directed that the Respondent reimburse the State of Michigan for costs in the amount \$1,273.17. Respondent's failure to comply with the terms of that Order was deemed to be in violation of MCR 9.104(1-4)(8); MCR 9.128 and Canon 1 of the Code of Professional Responsibility DR 1-102(A)(1)(5)(6). The Panel noted Respondent's prior record of discipline including two Reprimands, a Suspension of 120 days and a Suspension for three years. Costs in that case were assessed in the amount of \$89.02.

Note: Prior to the Revocation of Respondent's license to practice law, effective April 16, 1987, Respondent's license was suspended, effective October 18, 1985, by an Order of the Supreme Court imposing a Suspension of three years.



John F. VanBolt

Dated: APR 23 1987