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Attorney Discipline Board



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NOTICE INCREASING DISCIPLINE

File No. DP 91/86

David A. Glenn, P 14049, 3005 oakwood Boulevard, Melvindale, MI 48122, by the Attorney Discipline increasing discipline by modifying a Hearing Panel Order of Reprimand to a Thirty Day Suspension.

- 1) Reprimand, Count I
Suspension - 30 Days, Count II;
- 2) Effective March 17, 1987.

Respondent failed to answer the Formal Complaint and his Default was entered. The Complaint charged that Respondent neglected to institute timely action on his client's behalf in a bankruptcy matter and failed to answer the client's Request for Investigation. The Hearing Panel concluded that Respondent's failure to answer the Request for Investigation warranted discipline but found that the charge of neglect had not been established.

Upon its review of Petitions filed by the Respondent and the Grievance Administrator, the Attorney Discipline Board, citing its prior decisions, ruled that Default for failure to answer a Complaint in disciplinary proceedings constitutes an admission to the charges of misconduct. While the attorney is entitled to offer mitigating evidence, he or she is precluded from contesting the charges of misconduct unless the Default has been set aside. The Board found that a Reprimand was an appropriate discipline with regard to the charge of neglect and ruled that Respondent's unexplained failure to answer the Request for Investigation warranted a thirty day suspension. Respondent's conduct was found to be in violation of MCR 9.104(1-4 & 7), MCR 9.113 and Canons 1, 6, & 7 of the Code of Professional Responsibility, DR 1-102(A)(4-6); DR 6-101(A)(3) and DR 7-101(A)(1-3). Costs were assessed in the amount of \$190.94.

The Board noted that its decision to increase discipline was intended to serve notice to members of the Bar that the

lawyer who ignores the duty imposed by Court Rule to answer Requests for Investigation and Formal Complaints does so at his or her peril and absent exceptional circumstances, may expect a discipline greater than a Reprimand.



John F. VanBolt

Dated: MAR 20 1987