

Board on April 15, 1987. Respondent has not requested a stay of the discipline imposed and the suspension will remain in effect until further order of the Board or until respondent has completed the reinstatement procedure described in MCR 9.123(B) and MCR 9.124.

**Joel Simmer**, P20485, 31275 Northwestern Highway, Suite 126, Farmington Hills 48018 by Attorney Discipline Board Oakland County Hearing Panel #14. For a period of one year. Effective February 18, 1987.

The respondent failed to answer the formal complaint filed by the grievance administrator and failed to appear at the hearing on November 19, 1986. By virtue of the default filed against the respondent, the hearing panel concluded that the allegations of misconduct were established and found that respondent ignored the requests of a client to deliver the client's file to substitute counsel; failed to answer a request for investigation filed by that client; and filed a false affidavit with the clerk of the Supreme Court regarding respondent's notification to his clients that his license had been suspended for a period of 60 days in a prior disciplinary matter. Respondent's conduct was found to have violated the provisions of MCR 9.104(1-4), MCR 9.123(A) and Canons 1 and 2 of the Code of Professional Responsibility, to wit: DR 1-102(A)(1, 5-6) and DR 2-110(B)(4). Costs were assessed in the amount of \$73.97.

In accordance with MCR 9.118, a petition for review has been filed by the complainant asking that the order of discipline be modified to include an order of restitution. That petition is pending before the Board and does not stay the effective date of the discipline imposed.

**David F. Tibbetts**, P22859, State Street, Box 331, Atlanta 49709 by Attorney Discipline Board Macomb County Hearing Panel #1. For a period of three years, one day. Effective March 20, 1987.

The respondent did not appear at the hearing and did not answer the formal complaints which charged as follows:  
**DP 118/85 — Count I:** Respondent was retained to commence foreclosure

proceedings but failed to take any action, failed to communicate with his client and failed to return the file or the retainer; **Count II:** Respondent failed to answer a request for investigation served October 18, 1985;

**DP 57/86 — Count I:** Respondent was retained in a civil matter in April, 1985, but failed to take action or to communicate with his client; **Count II:** Respondent failed to answer a request for investigation served October 28, 1985; **Count III:** Respondent accepted a retainer in October, 1984 but failed to institute action to quiet title to real property and made false statements to his clients concerning his efforts on their behalf; **Count IV:** Respondent failed to answer a request for investigation served October 30, 1985; **Count V:** Respondent was retained to handle the administration of a decedent's estate but prepared no accountings and failed to reply to the inquiries of his client; **Count VI:** Respondent failed to answer a request for investigation served March 20, 1986.

**DP 170/86 —** Respondent failed to answer a formal complaint served by certified mail March 21, 1986.

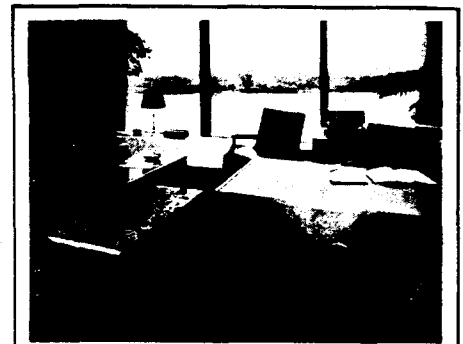
**DP 216/86 —** Respondent failed to answer a formal complaint served by certified mail October 23, 1986.

By virtue of the defaults which had been entered, the panel found that misconduct was established; that respondent had violated the provisions of MCR 9.104(1-4, 7), MCR 9.113(A) and Canons 1, 2, 6 & 7 of the Code of Professional Responsibility, DR 1-102(A)-(1, 4-6), DR 2-110(B)(4), DR 6-101(A)-(1-3), and DR 7-101(A)(1-3). Costs were assessed in the amount of \$268.07.

Respondent is suspended for a period of three years and until the entry of an order of reinstatement pursuant to MCR 9.124. Respondent is ordered to make restitution to three complainants in the respective amounts of \$390; \$250; and \$400 with interest at the rate of 6%.

**DP 114/85 FN 2/23/87**  
**REPRIMANDS**

**David G. Butler**, P31397, 202 N. Riverview Dr., Parchment 49004 by the Attorney Discipline Board St. Joseph Hearing Panel. Effective February 12, 1987.



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The grievance administrator and the respondent filed a stipulation for consent order of discipline pursuant to MCR 9.115(F)(5) in which it was agreed that respondent would be reprimanded based upon his admission that his neglect of a legal matter entrusted to him by a client, specifically his failure to file a timely proof of service, constituted violations of MCR 9.104(1-4) and Canons 6 and 7 of the Code of Professional Responsibility, DR 6-101(A)(3) and DR 7-101(A)(1-3). Costs were assessed in the amount of \$56.59.

**George I. DeWit**, P12740, 2604 W. Genesee St., Saginaw 48603 by Attorney Discipline Board Saginaw Hearing Panel. Effective March 2, 1987.

Based upon the evidence presented, the hearing panel concluded the respondent violated the standards of professional conduct as proscribed by MCR 9.104 by his failure to make a timely appearance at a scheduled pre-trial hearing on February 4, 1986 and by his failure to appear on behalf ▶

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