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JOHN F. VAN BOLT

EXECUTIVE DIRECTOR &
GENERAL COUNSEL

SUITE 1200

333 W. FORT STREET
DETROIT, MICHIGAN 48226

Area Code 313 963-5553

NOTICE OF SUSPENSION

File No. DP 110/86; DP 167/86

John M. Kelly, P 25567, 3620 Oakland Drive, Kalamazoo, MI 49008 by Attorney Discipline Board Battle Creek Hearing Panel.

- 1) Suspension - 60 days;
- 2) Effective January 21, 1987.

The Respondent failed to file an answer to the five count Formal Complaint filed by the Grievance Administrator. The Complaint charged that Respondent was retained in October 1985 to institute divorce proceedings and accepted a retainer of \$250.00 for that purpose but that he failed to take action, failed to communicate with his client and failed to relinquish the file to substitute counsel; that he falsely represented to his client that divorce proceedings had been instituted but that the documents had been lost by the Court; that he had failed to comply with the terms of the previous discipline order regarding the payment of costs to the State Bar of Michigan; and that he had failed to answer two Requests for Investigation. Respondent was found to have committed acts of professional misconduct in violation of MCR 9.104(1-4,7,8); MCR 9.113; MCR 9.128; and Canons 1,6 & 7 of the Code of Professional Responsibility, DR 1-102(A)(4-6); DR 6-101(A)2,3); and DR 7-101(A)(1,3).

The Respondent appeared before the hearing panel and was afforded an opportunity to present testimony in mitigation. Costs were assessed in the amount of \$260.52.

The Petition for Review filed by the Respondent was dismissed as moot on the entry of an Order dated August 5, 1987 revoking Respondent's license to practice law retroactively to February 10, 1987.


John F. VanBolt

Dated: AUG 14 1987