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Attorney Discipline Board



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NOTICE OF SUSPENSION (Pending Appeal)

File Nos. DP 96/85; DP 184/85


Michael H. Merrill, P 28431, 2701 Cleveland Avenue, Suite 6, Fort Myers, FL 33901, by Attorney Discipline Board Macomb County Hearing Panel #2.

- 1) Suspension - 120 days;
- 2) Effective July 15, 1986.

The Complaint filed by the Grievance Administrator charged that the Respondent, a member of the Bar in the States of Michigan and Florida, had been the subject of an Order of Discipline entered in the Supreme Court of Florida on January 17, 1985. Respondent's failure to answer the Complaint prompted the filing of a second Formal Complaint and Defaults were entered in both cases. The Respondent did not appear at the hearing on June 2, 1986.

The Hearing Panel concluded that the Respondent had entered into a Consent Judgment for a Public Reprimand by the Supreme Court of Florida upon his plea of guilty to charges of misconduct filed in that Court by The Florida Bar and that the adjudication of professional misconduct in that jurisdiction constituted evidence of misconduct in the Michigan proceeding. The Panel also found that Respondent's failure to answer a Formal Complaint constituted professional misconduct. The Panel ruled that Respondent's conduct violated the provisions of MCR 9.104(1-4)(7), MCR 9.115(D) and Canon 1 of the Code of Professional Responsibility DR 1-102(A)(1)(5)(6). Respondent was suspended for a period of 120 days and until Respondent has successfully petitioned for reinstatement. Costs were assessed in the amount of \$129.89.

The Respondent's request for a review of the Order of Discipline will be considered by the Attorney Discipline Board. In the absence of a request for a Stay before the effective date of the Order, the suspension became effective July 15, 1986.



John F. VanBolt
Dated: JUL 15 1986

NOTE: Respondent's petition for review was withdrawn and dismissed on October 24, 1986.