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Attorney Discipline Board



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NOTICE OF SUSPENSION


DP 156/85

Kenneth J. Weller, P 26040, Barry County, MI, by the Attorney Discipline Wayne County Hearing Panel #3.

- 1) Suspension of 180 days, (with conditional Order of Revocation).
- 2) Effective May 9, 1986.

The Hearing Panel found that the Respondent had been the subject of a prior disciplinary action which resulted in the suspension of his license to practice law for a period of one year effective April 1, 1985. (See Attorney Discipline Board Notice of Suspension dated April 5, 1985). That Order of Discipline included further provisions requiring that the Respondent make restitution in the amount of \$1330.00, within ninety days, to a client for whom no services had been performed and that the Respondent pay costs to the Attorney Discipline Board in the amount of \$723.42. The Hearing Panel found that the Respondent had not complied with those provisions of the previous Order and that his failure to make the slightest attempt to do so constituted conduct that exposes the legal profession to oblique contempt, censure and reproach. The Hearing Panel also found that the Respondent had failed to answer the Request for Investigation served upon him by the Grievance Administrator. Respondent was found to have committed professional misconduct in violation of MCR 9.104(1-4)(7)(8); MCR 9.113(A) and Canon 1 of the Code of Professional Responsibility DR 1-102(A)(1)(5)(6).

Noting that the prior Order of Discipline had not provided sufficient incentive for the Respondent to make restitution to his client as ordered, the Hearing Panel directed that Respondent's license to practice law be suspended for 180 days with the provision that in the event Respondent fails to make restitution and pay costs as previously ordered, within 180 days, his license to practice law shall be revoked. Additional costs in these proceedings were assessed in the amount of \$139.42.



John F. VanBolt

Dated: MAY 14 1986