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Attorney Discipline Board



JOHN F. VAN BOLT
EXECUTIVE DIRECTOR &
GENERAL COUNSEL

SUITE 1260
333 W. FORT STREET
DETROIT, MICHIGAN 48226
Area Code 313 963-5553

NOTICE OF SUSPENSION (By Consent)

FILE NO. DP 74/85

Michael J. Kavanaugh, P23977, 21500 Greenfield Road,
Suite 206, Oak Park, MI 48237.

- (1) Suspension - 119 days;
- (2) Effective August 19, 1986.

The Formal Complaint authorized by The Attorney Grievance Commission and filed by the Grievance Administrator charged that the Respondent was retained in February 1981 to represent a client in an action for acts of medical malpractice which allegedly occurred in October 1980. Contrary to the duties described in Canons 1, 6 & 7 of the Code of Professional Responsibility, the Respondent failed to institute suit before the expiration of the statute of limitations, belatedly attempted to file a complaint in the wrong forum, failed to advise his client of the dismissal of that suit and failed to communicate with his client regarding the merits of her claim or its status.

The Respondent and Counsel for the Grievance Administrator appeared before the Hearing Panel to enter their agreement whereby Respondent admitted the charges contained in the Formal Complaint and agreed to the entry of an Order suspending his license for a period of 119 days. That agreement was accepted by the Hearing Panel as a stipulation for consent discipline offered under MCR 9.115(F)(5). Respondent is found to have violated the provisions of MCR 9.104(1-4) [GCR 953(1-4)] and Canons 1, 6 & 7 of the Code of Professional Responsibility DR 1-102(A)(5)(6), DR 6-101(A)(1-3) and DR 7-101(A)(1-3). Costs were assessed in the amount of \$51.37.

Note: As the result of a prior Order of Discipline, Respondent's license was suspended for a period of 60 days effective November 7, 1985 (File No. DP 7/84; Notice of Suspension dated November 25, 1985). Respondent's Affidavit of Compliance in accordance with MCR 9.123(A) was filed with the Supreme Court on May 30, 1986 and he was entitled to an automatic reinstatement on that date. Respondent did not, however, pay his annual bar dues to the State Bar of Michigan for the year 1986 as required by Rule 4 of the Supreme Court Rules concerning the State Bar of Michigan. Respondent has not been entitled to engage in the active practice of law since November 7, 1985.


John F. VanBolt

Dated: _____

AUG 20 1986