

# Attorney Discipline Board



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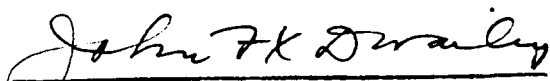
## NOTICE OF SUSPENSION


DP-102/81 and DP-1/82  
(Consolidated)

PHILLIP J. TOCCO (P 21484), 11645 Conant, Detroit, MI 48212, by the Attorney Discipline Board affirming the decision of the Discipline Board Hearing Panel "N".

- (1) Suspension;
- (2) For a period of 60 days;
- (3) Effective September 23, 1982.

The hearing panel found that Respondent had neglected certain civil litigation and failed to appear for trial resulting in dismissal of the cause with prejudice; that Respondent failed to timely file a motion to reinstate for a period of 6 months; that Respondent failed and/or neglected to timely file a notice of hearing or proof of service on the opposing party; that the motion for reinstatement was denied; that a motion to modify the dismissal was filed but Respondent failed to obtain an order modifying the dismissal; The panel further found that Respondent, during the course of an attorney/client relationship was directed by a corporate client in January of 1977 to initiate immediately a lawsuit for collection of a commission; that Respondent initiated the suit but not until on or about October, 1978; that pursuant to a judgment Respondent obtained partial payment of \$2,500 from the opposing party and contrary to the arrangement with the client, improperly withheld said amount claiming it was due him as attorney fees. The panel also found that Respondent failed to timely answer a Formal Complaint in violation of GCR 1963, 953(7) and 964.4. The panel also found violations of: Canon 6, DR6-101(A)(3); GCR 1963, 953(6); Canon 9, DR9-102(B)(4). The panel noted a prior discipline of a reprimand in 1970 and a suspension of 15 days in a separate matter. Costs were assessed in the amount of \$560.06.

  
JOHN F. X. DWAIHY, Executive Director  
& General Counsel

  
DAVID BAKER LEWIS, Secretary of the  
Attorney Discipline Board