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NOTICE OF SUSPENSION

File No. 35246

Related: 36304, 36072, 389-80, 792-80, 852-80, and 1679-80

- (1) Suspension;
- (2) For a period of nine (9) months;
- dent was originally suspended pursuant to a Consent Discipline agreement for a period of fifteen (15) months effective July 14, 1980 that Order of Suspension by Consent was set aside effective October 7, 1980 by Board Order pursuant to Respondent's motion. Before the matter could be heard by a hearing panel the second Consent Discipline agreement for suspension of nine (9) months was approved by the Board. Respondent again moved to set aside the second Consent Order of Suspension, but was denied by the Board. Therefore, Respondent was under suspension from July 14, 1980 through October 7, 1980 (86 days). He remains under suspension since April 28, 1981 and is now eligible to file a Petition for Reinstatement pursuant to GCR 972.

The Formal Complaint charged: that Respondent was retained in a personal injury matter, and failed and neglected to take any action on behalf of his clients and their children, resulting in the tolling of the statute of limitations to the detriment of said clients; that Respondent was appointed to appeal a criminal conviction, and failed and neglected to proceed with the matter, and further failed to communicate with the prospective appellant, that after a two (2) year delay, Respondent filed a Motion for Delayed Appeal, but allowed the praecipe therefor to be dismissed by the Recorder's Court Judge, to the detriment of the prisoner/client; that Respondent was

appointed to represent another indigent in post-conviction proceedings in Recorder's Court, and failed to prosecute an appeal, and took no action until approximately 33 months after said appointment, said neglect resulting in the prisoner/ client's loss of right of appeal. The Complaint charged violations of Canons 6 and 7 of the Code of Professional Responsibility, including DR 6-101(A) and GCR 953.

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

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DAVID BAKER LEWIS, Secretary of the Attorney Discipline Board