

## NOTICE OF SUSPENSION

Case Nos. 91-154-GA; 91-165-FA; 92-22-GA

John J. Devers, Jr., P12716, Portland, Oregon (formerly of Mt. Clemens, Michigan), by Attorney Discipline Board Tri-County Hearing Panel #103, and the Attorney Discipline Board dismissing respondent's petition for review.

- 1) Suspension - 30 days;
- 2) Effective December 9, 1992.

Respondent failed to answer Formal Complaint 92-22-GA and failed to appear and the hearings held in Detroit and Mt. Clemens on November 8, 1991 and May 12, 1992. The hearing panel found that the allegations of professional misconduct contained in Formal Complaint 91-154-GA, Counts Two through Four, and Formal Complaint 91-165-FA were established by a preponderance of the evidence; the panel found that the allegations of Formal Complaint 92-22-GA were established by default. Count One of Formal Complaint 91-154-GA was dismissed.

Respondent was retained by a couple to pursue the wife's claim for pension benefits and the husbands dissolution of a partnership, but failed to take appropriate action to pursue the claim for pension benefits; failed to take proper legal steps to insure a resolution of the partnership matter; and failed to return the couple's files upon request. Respondent also failed to timely answer to requests for investigation and Formal Complaint 91-154-GA.

Respondent was retained to handle a decedent estate, but failed to file a timely inventory; filed an inventory which contained several deficiencies; filed the first and final account of the temporary personal representative but failed to issue notice to the heirs of the hearing concerning the account; failed to take appropriate steps to close the estate; failed to return telephone calls made by the heirs and the personal representative of the estate; collected an illegal and excessive fee without prior approval of the probate court; and failed to answer the request for investigation.

Respondent's conduct was found to be in violation of MCR 9.104 (1-4,7); MCR 9.103(C); MCR 9.113(B)(2); and the Michigan Rules of Professional Conduct, 1.1(a-c); 1.2(a); 1.3; 1.4(a); 1.5(a); 1.16 (d); 3.2; 8.4 (a,c). Costs were assessed in the amount of \$521.43.