

AMENDED NOTICE OF SUSPENSION
(Amended as to Effective Date Only)

Case Nos. 92-12-GA; 92-36-FA

Patrick Winter, P-24376, Standish, Michigan, by the Attorney Discipline Board affirming a hearing panel order of suspension.

- 1) Suspension - 60 days;
- 2) Effective April 20, 1993.

Midland County Hearing Panel #1 determined that the allegations in Counts One, Two and Four of Formal Complaint 92-12-GA were established by respondent's default. Count Three of that complaint was dismissed due to the conflicting testimony of the complainant. Formal Complaint 92-36-FA was also dismissed.

Respondent was retained to represent the plaintiff in a personal injury action, but delayed unnecessarily in filing suit and failed to keep his client informed concerning the status of the matter. The above-mentioned client instituted an unrelated action in district court. While representing this client in the personal injury case, respondent filed an appearance on behalf of the defendants in the district court case; served her with a Notice to Quit on behalf of the defendants; and served her with a Notice to Vacate Premises on behalf of the defendants. Respondent also made a false statement in his answer to the request for investigation.

Respondent's conduct was found to be in violation of MCR 9.104 (1-4); the Michigan Rules of Professional Conduct, 1.1(c); 1.3; 1.4; 1.7; 1.9; 3.2; 8.1(a); 8.4(a,c); and Canons 1, 6 and 7 of the then-applicable Code of Professional Responsibility, DR 1-102(A)(1,5,6); DR 6-101(A)(3); DR 7-101(A)(1-3).

The respondent and the Grievance Administrator each filed a petition for review seeking modification of the panel order. In an order issued September 25, 1992, the Attorney Discipline Board affirmed the hearing panel order of suspension.

Respondent filed an application for leave to appeal, which was denied by the Michigan Supreme Court in an order entered March 29, 1993. On April 6, 1993, the Supreme Court entered an amendment to that order stating that "The stay granted pursuant to MCR 9.122(C) shall remain in effect until 21 days after the effective date of this order." The suspension is therefore deemed to be effective April 20, 1993. Costs were assessed in the amount of \$591.36.