

NOTICE OF SUSPENSION  
(By Consent)

Case No. 93-180-GA

Stephen M. Wittenberg, P-22487, Boca Raton, Florida (formerly of Bloomfield Hills, Michigan), by Attorney Discipline Board Tri-County Hearing Panel #55.

- 1) Suspension - 180 days;
- 2) Effective April 1, 1994.

The respondent and the Grievance Administrator filed a stipulation for consent order of discipline pursuant to MCR 9.115(F)(5), which was approved by the hearing panel and the Attorney Grievance Commission.

Respondent was retained to represent the plaintiff in a personal injury action. The claim was settled for \$20,000. A settlement draft in the amount of \$20,000, made payable to the order of the client, the respondent and an insurance company, was forwarded to respondent. Respondent admitted that he failed to promptly notify the insurance company of his receipt of the funds; affixed, or caused to be affixed, the endorsement of the insurance company to the settlement draft without its knowledge or consent; deposited the draft in his trust account; prior to his receipt and disbursement of the settlement funds, he advanced approximately \$500 to his client, at least \$200 of which was drawn against his client trust account which did not contain any funds belonging to that client; knowingly made a false representation in his answer to the Request for Investigation; and regularly commingled personal funds, in an amount excess of those reasonably necessary to cover bank charges, with client trust funds.

Respondent's conduct was admitted to be in violation of MCR 9.104(1)-(4)and(6); and Michigan Rules of Professional Conduct 1.8(e); 1.15; 8.1(a)and(b); and 8.4(a)-(c). Costs were assessed in the amount of \$103.30.