

## NOTICE OF SUSPENSION AND RESTITUTION

Case No. 95-118-GA

Richard A. Neaton, P-26974, Port Charlotte, FL (formerly of Berkley, MI), by the Attorney Discipline Board modifying Tri-County Hearing Panel #58's findings of misconduct, ordering restitution and affirming suspension.

- 1) Suspension - four (4) years;
- 2) Effective June 1, 1995.

Respondent was retained to oppose his client's extradition from England to Virginia on a charge of capital murder. Respondent represented the client at trial, in two appeals, and in a federal habeas corpus proceeding. The panel found, by a preponderance of the evidence, that respondent neglected the habeas corpus matter; made false representations to his client; affixed, or caused to be affixed, the signatures of two proposed expert witnesses on two affidavits without the witnesses' knowledge or consent; improperly affixed his signature as a notary on one affidavit; affixed, or caused to be affixed, a fictitious name as notary on the other affidavit; made a false statement in his answer to the Request for Investigation; and refused to honor his client's request that his entire client file be turned over, knowing that his delay would deprive his client of a prompt habeas corpus hearing. Respondent's conduct was found to be in violation of MCR 9.103(C); MCR 9.104(1)-(4)and(6); and Michigan Rules of Professional Conduct 1.1(c); 1.3; 1.4; 1.15(a)and(c); 1.16(d); 3.2; 8.1(a) and 8.4(a)-(c). The panel ordered that respondent be suspended from the practice of law in Michigan for four years effective to June 1, 1995.

The complainant and the respondent each filed a petition for review. On July 9, 1996, the Attorney Discipline Board entered an order reversing the panel's dismissal of charges that respondent misappropriated \$5,000 in client funds; directing respondent to make restitution to the complainant in the amount \$5,996.50; and affirming the four-year suspension. Respondent filed a motion for reconsideration, which was denied by the Board in an order entered August 26, 1996. Costs were assessed in the amount of \$1,142.72.

NOTE: Respondent has been continuously suspended from the practice of law in Michigan since December 1, 1993.