

## **NOTICE OF REVOCATION AND RESTITUTION**

Case No. 99-192-GA

Issued: April 7, 2000

David K. Whipple, St. Clair Shores, Michigan by the Attorney Discipline Board  
Tri-County Hearing Panel #52.

- 1) Revocation;
- 2) Effective March 25, 2000.<sup>1</sup>

The respondent failed to answer the formal complaints and failed to appear before the hearing panel. Based upon respondent's default, the hearing panel found that the misconduct alleged in the complaint had been established, to wit: that, in one matter, after respondent's license to practice law was suspended on July 23, 1998, respondent substituted as counsel for his client but failed to provide written notice to the client, opposing counsel and the court of his suspension from the practice of law; accepted one retainer knowing that his license to practice law would be suspended three days later; accepted another retainer knowing that his license to practice law had been suspended; failed to notify these clients of his suspension from the practice of law; and failed to answer numerous requests for investigation. Respondent's conduct was deemed to be in violation of MCR 9.103(c); MCR 9.104(1)-(4), (7) and (9); MCR 9.113(A) and (B)(2); MCR 9.119(A), (B) and (D); and Michigan Rules of Professional Conduct 5.5(a); 8.1(b); and 8.4(a)-(c).

The hearing panel considered the nature of respondent's misconduct, specifically his violation of a previous order of suspension and the resulting harm to the clients he was duty bound to serve, and his failure to respond to requests for investigation or the formal complaint in this case. The panel ordered a revocation of respondent's license. Respondent was ordered to make restitution to the complainants in the aggregate amount of \$2,050.00. The hearing panel dismissed Formal Complaint 00-16-FA without prejudice. Costs were assessed in the amount of \$360.48.

<sup>1</sup> Respondent has been continuously suspended since July 23, 1998. See Notice of Suspension With Conditions, dated July 24, 1998.