

**NOTICE OF SUSPENSION**  
**(Pending Appeal)**

Case No. 99-194-GA

Issued: May 10, 2000

Joseph P. Kierpiec, P-23914, Detroit, Michigan by the Attorney Discipline Board Tri-County Hearing Panel #32.

- 1) Suspension - 3 Years.
- 2) Effective April 21, 2000.<sup>1</sup>

Respondent failed to answer Formal Complaint 99-194-GA. A default was entered and Formal Complaint 00-017-FA was filed and consolidated for hearing. Subsequently, the Grievance Administrator voluntarily withdrew Formal Complaint 00-017-FA.

The panel found that the misconduct alleged in Formal Complaint 99-194-GA was established by default, to wit: In one matter, respondent failed to timely inform his client that the client's matter had been settled; failed to deposit the \$15,000.00 settlement check in an interest bearing account; and failed to maintain his client's funds in a separate account. In another matter, respondent signed a stipulation to dismiss a civil suit; signed his clients' name to the release provided by opposing counsel; and signed his clients' names to the \$18,000.00 settlement check, all without the knowledge or consent of his clients. Respondent also falsely signed the name of a notary public to the release agreement and settlement documents; commingled the settlement funds with his own funds; and subsequently misappropriated those funds. In a third matter, respondent commingled \$27,000.00 of settlement proceeds with his own funds and subsequently misappropriated those funds. In a fourth matter which involved a workers' compensation claim, respondent commingled funds belonging to a third party and misappropriated \$500.00 which was to have been paid to that third party. At the conclusion of this workers' compensation case, respondent failed to institute a personal injury case on behalf of his client and failed to respond to inquiries from his client or client's successor counsel regarding the status of the matter. In a fifth matter, respondent failed to respond to his client's attempts at communication and failed to advise his client that he would not accept her claim. Finally, respondent failed to timely answer two requests for investigation and failed to answer three other requests for investigation served by the Grievance Administrator. Respondent's conduct was found to be in violation of MCR 9.104(1)-(4) and (7); MCR 9.113(A) and (B)(2); and Michigan Rules of Professional Conduct 1.1(c); 1.3; 1.4(a) and (b); 1.15(a), (b) and (d); 3.3; 4.1; 8.1(b); 8.4(a)-(c).

The hearing panel considered the nature of respondent's misconduct and ordered that respondent's license to practice law in Michigan be suspended for three years. Costs were assessed in the amount of \$275.09.

On April 20, 2000, respondent filed a petition for review which is pending before the Attorney Discipline Board. The respondent also filed a motion for a stay of discipline which was denied by the Attorney Discipline Board on May 8, 2000.

<sup>1</sup> Respondent has been continuously suspended from the practice of law in Michigan since November 20, 1999.