

NOTICE OF SUSPENSION

Case No. 98-57-GA

Issued: October 26, 2000

Lawrence A. Baumgartner, P-25163, Mt. Clemens, Michigan, by the Attorney Discipline Board, vacating an Order of Reprimand entered by Tri-County Hearing Panel #11 and increasing discipline to a 30 day suspension.

1. Suspension - 30 days.
2. Effective October 18, 2000.

The hearing panel found that respondent, Lawrence A. Baumgartner, had committed acts of professional misconduct as alleged in Formal Complaint 98-057-GA, specifically: that he failed, on numerous occasions, to cooperate with the Attorney Grievance Commission's investigation in violation of MCR 9.103(C); MCR 9.104(1); and Michigan Rules of Professional Conduct 8.1(b). On December 17, 1999, the hearing panel ordered that respondent be reprimanded. (See Attorney Discipline Board Notice of Reprimand, issued January 14, 2000).

On January 25, 2000, the Grievance Administrator filed a delayed petition for review. Respondent filed a cross-petition for review on February 16, 2000. The Board's chairperson entered an order granting the Administrator's delayed petition. The Board conducted review proceedings on May 18, 2000 under MCR 9.118.

Upon review, the Board found that the allegation of a violation of MCR 9.103(C) was not applicable in this case. However, the Board found ample evidentiary support in the record for the remaining findings and conclusions of the hearing panel, specifically: that respondent knowingly failed to respond to a lawful demand for information from a disciplinary authority. The Board held that respondent's conduct was in violation of MCR 9.104(1) and Michigan Rules of Professional Conduct 8.1(b). The Board ordered that the hearing panel's Order of Reprimand be vacated and that respondent's discipline be increased to a 30 day suspension commencing October 18, 2000. In reaching this decision, the Board adopted the Grievance Administrator's argument and the position of a dissenting panel member that a reprimand was not appropriate in light of the aggravating factor of respondent's prior history of discipline (two reprimands and two suspensions since 1992). On October 19, 2000, respondent filed a motion for reconsideration and for a stay of discipline. Those motions were denied by the Board in an order entered October 25, 2000. Costs were assessed in the amount of \$1,139.65.