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211 WEST FORT ST.
SUITE 1410
DETROIT, MICHIGAN 48226-3236
PHONE: 313-963-5553
FAX: 313-963-5571

WWW.ADBMICH.ORG

NOTICE OF REVOCATION AND RESTITUTION

Case Nos. 08-44-GA; 08-72-FA

Notice Issued: October 27, 2010

Russell L. Swarthout, P 21193, Detroit, Michigan, by Attorney Discipline Board Tri-County Hearing Panel #14.

1. Revocation
2. Effective June 24, 2010¹

The respondent appeared at the public hearing, but was found to be in default for his failure to file an answer to the formal complaint. Based on that default, the panel found that respondent failed to seek his client's lawful objectives; failed to keep his client informed about the status of his matter; failed to comply with reasonable requests for information from his client; failed to properly account for the funds he received from his client; and entered into an improper agreement to split fees with a non-lawyer. Respondent was also found to have knowingly failed to respond to a lawful demand for information from a disciplinary authority; and failed to fully and fairly answer a request for investigation.

Respondent's conduct was in violation of MCR 9.104(A)(1)-(4) and (7); MCR 9.113(A) and (B)(2); and Michigan Rules of Professional Conduct 1.2(a); 1.4(a); 1.15(b)(3); 5.4(a); 8.1(a)(2); and 8.4(a) and (c).

The hearing panel ordered that respondent's license to practice law in Michigan be revoked and that he pay restitution in the amount of \$55,100.00.

Respondent filed a petition for review and, upon review, the Attorney Discipline Board affirmed the hearing panel's order of revocation and restitution in its order issued on September 24, 2010. Total costs were assessed in the amount of \$4,341.09.

John F. Van Bolt

Dated: **OCT 27 2010**

¹ Respondent has been continuously suspended from the practice in law in Michigan since July 18, 2006. See Notice of Interim Suspension issued July 19, 2006.