

NOTICE OF REVOCATION AND RESTITUTION

Case No. 05-107-GA

Notice Issued: April 18, 2006

David J. O'Brien, P 52692, Erie, Michigan, by the Attorney Discipline Board Tri-County Hearing Panel #10.

1. Revocation
2. Effective June 1, 2010¹

The respondent was found to be in default for his failure to file an answer to the formal complaint and failure to appear at the public hearing. Based on his default, the panel found that respondent neglected his clients' legal matters; failed to seek his clients' lawful objectives through reasonably available means permitted by law; failed to act with reasonable diligence and promptness in his clients' matters; failed to keep his clients reasonably informed about the status of their matters and comply promptly with reasonable requests for information; failed to refund the advance payment of a fee that has not been earned upon termination of the representation in three separate matters; engaged in conduct prejudicial to the administration of justice; engaged in conduct that exposes the legal profession or the courts to obloquy, contempt, censure, or reproach; engaged in conduct contrary to justice, ethics, honesty or good morals; violated or attempted to violate the rules of professional conduct; failed to timely answer one request for investigation; and failed to answer three requests 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 1.1(c); 1.2(a); 1.3; 1.4(a) and (b); 1.16(d); 8.1(a)(2); and 8.4(a) and (c).

The panel ordered that respondent's license to practice in Michigan be revoked, to run consecutively with the revocation ordered in Grievance Administrator v David J. O'Brien, Case Nos. 05-06-GA; 05-23-FA; 05-34-GA. The respondent was also ordered to pay restitution in the aggregate amount of \$2,407.75 and costs were assessed in the amount of \$1,807.69.

¹ Respondent has been continuously suspended from the practice of law in Michigan since June 1, 2005. See Notice of Revocation and Restitution issued June 1, 2005.