

NOTICE OF SUSPENSION AND RESTITUTION

Case No. 05-122-GA

Notice Issued: February 2, 2007

Craig A. Rochau, P 24120, St. Joseph, Michigan, by the Attorney Discipline Board
Berrien County Hearing Panel #1.

1. Suspension - 90 Days
2. Effective January 31, 2007

The panel found that respondent, in a probate matter, represented a decedent's estate as attorney and personal representative when representation of the estate was materially limited by his own interests. The panel further found that respondent failed to keep the heirs of the estate reasonably informed regarding his fees, made payments to himself prior to court approval without a written fee agreement, and failed to communicate pertinent information to the heirs including his wife's role as a realtor involved in the sale of real property owned by the estate and respondent's agreement to form a limited liability corporation with a potential buyer for the that property. Finally, the panel found that respondent's answer to a request for investigation was not deliberately false but was less than forthcoming given the serious nature of the inquiry.

Respondent's conduct was in violation of MCL 700.3719; MCL 700.3703(4); MCL 700.3705; MCR 9.104(A)(1)-(4); MCR 5.313(a)-(f); and Michigan Rules of Professional Conduct 1.5(a) and (b); 1.7(b); 3.3(a)(1) and (2); and 8.4(a)-(c). The panel ordered that respondent's license to practice law in Michigan be suspended for 90 days, and that he should make restitution to the estate in the amount of \$3,630.00.

The Grievance Administrator filed a timely petition for review and respondent filed a timely cross-petition for review and request for automatic stay of discipline. The matter was heard by the Attorney Discipline Board and, on December 12, 2006, the Board issued its order affirming the hearing panel's order of suspension and restitution. Costs were assessed in the amount of \$4,441.25.