

NOTICE OF SUSPENSION AND RESTITUTION WITH CONDITIONS
(By Consent)

Case No. 05-30-GA

Notice Issued: December 21, 2005

Harvey J. Zameck, P 22687, Southfield, Michigan, by the Attorney Discipline Board
Tri-County Hearing Panel #86.

1. Suspension - 3 Years
2. Effective August 23, 2005 ¹

The respondent and the Grievance Administrator filed a stipulation for a consent order of discipline, in accordance with MCR 9.115(F)(5), containing respondent's plea of no contest to the following allegations:

- A. In a probate estate, respondent was alleged to have failed to facilitate the sale of the house and distribution of proceeds; failed to file an objection to closing the probate case causing the estate to be closed for lack of progress; failed to take any action against the former personal representative for her suspected embezzlement of estate funds; failed to notify his client and the current personal representative that the tax payments were delinquent and that the house had been sold at auction; and failed to provide an accounting of the rental payments he collected despite a request for accounting from his client and the current personal representative.
- B. In a divorce action, respondent was alleged to have failed to include language regarding the child support abatement in the judgment of divorce causing the Friend of the Court to issue a withholding of his client's income tax refund; failed to register the quit claim deed which prevented his client from refinancing his mortgage or receiving an equity loan; and falsely told his client that he had scheduled hearings to resolve the issue.
- C. In a fire loss claim, respondent was alleged to have failed to file an action on behalf of his client or take any steps to protect his interests; falsely told his client that he had filed an action and motion on his behalf; failed to refund the unearned portion of a \$2,500.00 attorney fee; failed to provide a copy of the client file to his client upon request; and failed to maintain reasonable communications with his client.
- D. In a civil lawsuit, respondent was alleged to have failed to have obtained his client's permission before entering a settlement agreement; misappropriated a \$1,000.00 payment from his client; failed to communicate with the parties regarding the settlement installment payments; failed to appear in the lawsuit filed against him by opposing counsel; and failed to appear at the creditor's exam ordered by the court.

Additionally, respondent pled no contest to the allegations that he failed to timely file

answers to three requests for investigation and failed to file any answer to one request for investigation served upon him by the Grievance Administrator.

Respondent was charged with violations 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); 1.15(b); 1.16(d); 3.4(c); 8.1(a)(2); and 8.4(a)-(c).

The parties agreed that respondent's license to practice law in Michigan should be suspended for three years, effective August 23, 2005. The parties also agreed that respondent shall should pay restitution in the aggregate amount of \$22,828.00 and be subject to certain conditions relevant to the alleged misconduct. Costs were assessed in the amount of \$1,480.11.

¹ Respondent's license to practice law in Michigan has been continuously suspended since February 28, 2005. See Notice of Suspension issued March 22, 2005.