

NOTICE OF SUSPENSION AND RESTITUTION

Case No. 05-77-GA

Notice Issued: September 30, 2005

Barry D. Herbach, P 25375, Grand Rapids, Michigan, by the Attorney Discipline Board Kent County Hearing Panel #5.

1. Suspension - 180 Days
2. Effective September 28, 2005

The respondent was found to be in default for his failure to file an answer to the formal complaint or appear at the hearing. Based on that default, the panel found that respondent failed to initiate a probate proceeding; failed to return advanced fees; and failed to answer a request for investigation served by the Grievance Administrator.

Respondent's conduct was in violation of MCR 9.104(A)(1)-(4) and (7); and Michigan Rules of Professional Conduct 1.1(c); 1.3; 1.5(a); 1.16(d); 8.1(a)(2); and 8.4(a).

The hearing panel ordered that respondent's license be suspended for 180 days and that he pay restitution in the amount of \$750.00. Costs were assessed in the amount of \$1,779.92.