

NOTICE OF REVOCATION AND RESTITUTION

Case Nos. 05-06-GA; 05-23-FA; 05-34-GA

Notice Issued: June 1, 2005

David J. O'Brien, P 52692, Erie, Michigan, by the Attorney Discipline Board Tri-County Hearing Panel #24.

1. Revocation
2. Effective June 1, 2005

The respondent was found to be in default for his failure to file answers to the formal complaints and failure to appear at the public hearing. Based on his default, the panel found that respondent failed to return unearned fees in five matters; neglected three client matters; failed to communicate with his clients in three other matters; and abandoned the representation of two client matters. Respondent also failed to provide an accounting of his time; failed to appear at an arraignment; failed to return a client's file; and failed to handle a client's matter diligently and competently. Further, respondent failed to answer a formal complaint and five requests for investigation served by the Grievance Administrator. Finally, respondent failed to file timely answers to two requests for investigation; failed to cooperate with the Attorney Grievance Commission's investigation; and made false statements to the Attorney Grievance Commission during its 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); 1.5(a); 1.15(b); 1.16(d); 8.1(a)(1) and (2); and 8.4(a)-(c).

The panel ordered that respondent's license to practice in Michigan be revoked and assessed costs in the amount of \$2,068.42. Respondent was also ordered to pay restitution in the aggregate amount of \$9,535.00.