

NOTICE OF SUSPENSION AND RESTITUTION WITH CONDITIONS
(By Consent)

Case Nos. 03-105-GA; 03-114-GA

Notice Issued: May 21, 2004

Mosabi Hamed, P 34663, Southfield, Michigan, by the Attorney Discipline Board Tri-County Hearing Panel #79.

1. Suspension - 18 Months
2. Effective August 5, 2003¹

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 allegations that, in an immigration matter, he failed to appear at a hearing and otherwise neglected the matter; and made false statements regarding the status of the case to his client and his client's prior counsel. In a criminal action and a personal protection ("PPO") matter, respondent harassed and threatened the opposing party. In a divorce action, respondent failed to appear at the settlement conference; failed to notify his client and the opposing counsel that he would not appear; and failed to maintain reasonable communications with his client. In an employment discrimination action, respondent failed to file litigation or take appropriate action on his client's behalf; failed to keep his client informed as to the status of his matter; failed to refund an unearned fee; assisted a non-lawyer employee (a disbarred attorney) in the unauthorized practice of law. In a civil action, respondent abandoned the representation; issued a refund check which the client was unable to negotiate due to insufficient funds; and failed to return unearned fees. Finally, respondent failed to file answers to four separate requests for investigation served by the Grievance Administrator; and failed to file an answer to a fifth request for investigation within the 21 days as required by court rule.

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); 1.5(a); 3.2; 3.4; 3.5(c); 5.3(a)-(c); 5.5(b); 6.5(a); 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 18 months, effective August 5, 2003, the date of a one year suspension ordered in Grievance Administrator v Mosabi Hamed, Case No. 02-130-GA. The parties further agreed that respondent shall pay restitution in the aggregate amount of \$7,400.00 and, prior to petitioning for reinstatement, respondent shall participate in the State Bar of Michigan's Ethics School and submit to a mental status examination by a forensic psychologist. Costs were assessed in the amount of \$848.43.

¹ Respondent has been continuously suspended from the practice of law since August 5, 2003. See Final Notice of Suspension and Restitution issued September 19, 2003.