

NOTICE OF REPRIMAND AND RESTITUTION WITH CONDITIONS
(By Consent)

Case No. 02-56-GA

Notice Issued: June 23, 2003

H. Eugene Bennett, P 10693, Lansing, Michigan, by the Attorney Discipline Board
Ingham County Hearing Panel #6.

1. Reprimand;
2. Effective June 19, 2003.

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 admission to the allegations that he filed an application for leave to appeal to the Michigan Supreme Court 42 days late; failed to file a delayed application for leave to appeal; abandoned the representation of his client; failed to provide adequate communication to his client or his client's agent; allowed a non-lawyer employee to provide false and misleading information to his client's agent concerning the status of the appeal; and failed to refund the unearned fee. In another appellate matter, respondent admitted that he abandoned the representation and failed to refund the unearned fee. Finally, respondent admitted that he failed to answer two requests for investigation served by the Grievance Administrator.

Respondent was charged with violations of MCR 9.104(A)(1)-(4) and (7); MCR 9.113(A); MCR 9.113(B)(2); and Michigan Rules of Professional Conduct 1.1(a) and (c); 1.3; 1.4(a) and (b); 1.16(d); 3.2; 5.3(b) and (c); 8.1(b); and 8.4(a)-(c).

The parties agreed that respondent should be reprimanded and that respondent shall place his license to practice law on inactive status with the State Bar of Michigan for a period not less than six months. Additionally, the parties agreed that respondent shall not be entitled to reactivate his license until he has paid restitution in the aggregate amount of \$2,700.00, and has filed a doctor's report which states that respondent's health has improved enough so as to recommence the practice of law. The parties further agreed that respondent shall be subject to a one year probationary period upon the reactivation of his license to practice law in Michigan. Costs were assessed in the amount of \$19.92.