

NOTICE OF SUSPENSION AND RESTITUTION
(Pending Appeal)

Case No. 01-140-GA

Notice Issued: March 4, 2003

Paul S. Schaefer, P-29748, Paw Paw, Michigan, by the Attorney Discipline Board Berrien County Hearing Panel #1.

1. Suspension - 30 Months;
2. Effective March 1, 2003.

The hearing panel accepted respondent's plea of no contest to the allegations in the formal complaint, specifically, that respondent, in two criminal matters, failed to file pleadings on behalf of his clients; and failed to keep his clients informed of the status of their matters. Despite his clients' demands, respondent also failed to provide an accounting of his fees, return papers and files, and failed to return unearned fees. In one of these matters, respondent also charged and collected a clearly excessive fee.

Additionally, with regard to a prior suspension from the practice of law, respondent failed to comply with MCR 9.119(A) and (C). Further, while petitioning for reinstatement, respondent failed to reveal in his personal history affidavit, and under oath, that he continued to research, investigate and draft pleadings for clients during his suspension; made false statements in his petition for reinstatement; and failed to correct a misapprehension in his statement under oath that all of his clients had agreed to a substitution of attorney prior to the effective date of his suspension.

Respondent's conduct was found to be in violation of MCR 9.104(A)(1)-(4); MCR 9.119(A) and (c); MCR 9.124(B)(1)(a)-(b) and (B)(4); and Michigan Rules of Professional Conduct 1.1(a)-(c); 1.2(a); 1.3; 1.4(a)-(b); 1.5(a); 1.15(b); 1.16(d); 3.2; and 8.4(a)-(c). The hearing panel ordered that respondent's license to practice be suspended for 30 months and also ordered that respondent pay restitution in the amount of \$15,000.00. Costs were assessed in the amount of \$1,010.71.

Respondent filed timely petitions for review and a stay of discipline and the Grievance Administrator filed a cross-petition seeking increased discipline. The Attorney Discipline Board granted respondent a temporary stay of discipline until March 1, 2003. Respondent failed to file a brief in support of his petition for review and the Attorney Discipline Board dismissed respondent's petition for review and denied his subsequent motion to reinstate his petition for review. The Board also denied respondent's motion to extend his stay of discipline until June 15, 2003. A review hearing is scheduled for March 20, 2003 on the Grievance Administrator's cross-petition for increased discipline.