

NOTICE OF REVOCATION AND RESTITUTION

Case Nos. 99-136-GA; 01-21-GA; 01-68-GA

Notice Issued: October 10, 2002

Lance A. Fertig, P-27476, Lansing, Michigan, by the Attorney Discipline Board Ingham County Hearing Panel #4.

1. Revocation;
2. Effective April 25, 2002.¹

The hearing panel adopted the findings of the Special Master, who found that respondent committed the misconduct charged in 23 of the 24 counts alleged. Specifically, respondent failed to keep his clients informed regarding the status of their matters; failed to perform the services for which he was retained; communicated directly with a client after client obtained successor counsel who informed respondent not to contact his client directly; failed to timely turn over files to successor counsel; entered into illegal fee agreements; made knowing false representations to the courts that he had his clients' authorizations to dismiss their actions; filed a defective appeal and complaint; prepared a billing statement with false entries; failed to pursue his clients' matters; continued to practice law in the U.S. District Court after losing admission to practice; failed to advise a client in writing that he was suspended from the practice of law; failed to file proof with the Attorney Grievance Commission that he notified his client of his suspension; failed to provide competent legal representation; and failed to return unearned, illegal or excessive fees.

Respondent's conduct was found to be in violation of MCL 418.858; MCLA 600.916; USC 42 § 406; MCR 9.104(1)-(5) and (9); MCR 9.119(A); MCR 9.119(C); MCR 9.119(D); and Michigan Rules of Professional Conduct 1.1(a)-(c); 1.2(a); 1.3; 1.4(a) and (b); 1.5(a) and (c); 1.15(b); 1.16(a)(3); 1.16(b)(3); 1.16(d); 3.2; 3.3(a)(1); 3.4(c); 4.1(a) and (c); 4.2; 4.4; 5.5(a); and 8.4(a)-(c).

The panel issued an order revoking respondent's license to practice in Michigan and ordered restitution in the aggregate amount of \$68,704.44. The respondent filed a petition for review and stay of discipline. The Attorney Discipline Board scheduled the matter for hearing, but denied respondent's request for a stay of discipline. Respondent requested and received an adjournment of the first review hearing but failed to appear at the second review hearing. Based upon respondent's failure to appear, the Board dismissed respondent's petition for review. Total costs were assessed in the amount of \$3,000.35.

¹ Respondent has been continuously suspended from the practice of law, since September 9, 1999. See Notice of Suspension issued in Grievance Administrator v Lance A. Fertig, Case Nos.97-246-GA; 97-264-FA.