

NOTICE OF REVOCATION AND RESTITUTION

Case Nos. 01-43-GA; 01-80-GA

Notice Issued: May 22, 2002

Bernard Feldman, P-27628, Ormond Beach, Florida by the Attorney Discipline Board affirming Tri-County Hearing Panel #72's order of revocation and restitution.

1. Revocation;
2. Effective January 11, 2002.¹

The hearing panel found that respondent had neglected a client's legal matter; made misrepresentations to his client regarding the delay in filing her lawsuit and that the dismissal was the result of court error; failed to file an appeal brief; and misrepresented to his client that an appeal was proceeding. Also, in a civil case, respondent failed to deposit a settlement check into an interest-bearing account separate from his own funds; endorsed his client's name on the back of the check without his client's knowledge or prior consent; and failed to promptly pay the settlement funds to his client. Further, in another matter, respondent continued to engage in the practice of law while suspended. Respondent's conduct was in violation of MCR 9.104(1)-(4); MCR 9.119(B) and (C); MCLA 600.916; and Michigan Rules of Professional Conduct 1.1(a)-(c); 1.2(a); 1.3; 1.4; 1.15(a)-(b); 3.2; 3.4(c); 5.5(a); and 8.4(a)-(c).

The hearing panel ordered that respondent's license practice law in Michigan be revoked and that he pay restitution in the aggregate amount of \$8,750.00.

The respondent filed a timely petition for review and, upon review, the Board affirmed the hearing panel's order of revocation and restitution. Total costs assessed were \$562.37.

¹ Respondent has been continuously suspended from the practice of law in Michigan since December 21, 2000. See Notice of Suspension dated December 27, 2000.