

NOTICE OF SUSPENSION AND RESTITUTION
(By Consent)

Case No. 99-99-GA

Issued: May 3, 2000

Dianna L. Brooks, P-46064, Detroit, Michigan, by the Attorney Discipline Board Tri-County Hearing Panel #22.

1. Suspension - 90 days.
2. Effective February 1, 2000.

The respondent and the Grievance Administrator submitted a stipulation for consent order of discipline in accordance with MCR 9.115(F)(5). The stipulation was approved by the Attorney Grievance Commission and was accepted by a hearing panel. Respondent entered a plea of no contest to the allegations contained in Formal Complaint 99-99-GA, to wit: that in a divorce action, respondent failed to file the divorce action on her client's behalf; and failed to return \$160 of unearned fees. In another matter, respondent was paid \$450 to represent a client in a child support and visitation action in Maryland. Respondent held herself out to her client as being able to practice law in Maryland and contacted the opposing attorney seeking an adjournment of the trial date; failed to file a motion to be admitted *pro hac vice* for this action; failed to refer her client to Maryland counsel for the purpose of either representing her in Maryland or to contest jurisdiction of the Maryland court; failed to advise her client that she had not obtained an adjournment of the Maryland trial date and when neither respondent nor her client appeared for the trial date, a default judgment was entered; commingled advanced fees by depositing them into her personal bank account; failed to maintain the fees in a trust account until she was admitted to the practice of law in the Maryland action pursuant to a successful motion *pro hac vice*; made withdrawals from her personal account which resulted in a complete misappropriation of the funds; and failed to make restitution of the \$450.00 to her client. In a third matter, respondent was retained in January of 1997 to represent a client concerning post-judgment custody issues in a divorce action. Respondent failed to file a motion on her client's behalf until November 1997 and failed to refund any portion of the \$1,000.00 fee paid by the client. In a fourth matter, respondent was retained on or about May 1996 to review various legal matters for a client's mother, including but not limited to reviewing possible litigation regarding a construction and a personal injury matter. Respondent failed to file an action against the contractors or a civil action against the hospital and failed to advise her client that she would not do so; failed to release client's file upon request or refund any portion of the \$1,500.00 fee. Respondent also failed to maintain reasonable communication with her clients; failed to respond to numerous messages from her clients; failed to notify her clients of her changes of address; abandoned the representation of two clients; and failed to file an answer to three requests for investigation from the Grievance Administrator.

Respondent's conduct was in violation of MCR 9.103(C); MCR 9.104(1)-(4) and (7); MCR 9.113(A); MCR 9.113(B)(2); and Michigan Rules of Professional Conduct 1.1(a)-(c); 1.2(a); 1.3; 1.4; 1.5(a); 1.15(a)-(c); 1.16(d); 3.4(c); 5.5(a); 8.1(b) and 8.4(a)-(c). The parties agreed that an order of suspension and restitution should be entered.

The hearing panel ordered that respondent's license be suspended for 90 days and that she pay restitution to the complainants in the aggregate amount of \$2,110.00. Costs were assessed in the amount of \$271.00.