

NOTICE OF MODIFIED SUSPENSION AND RESTITUTION WITH CONDITIONS

Case Nos. 98-123-GA; 98-149-FA

Eric E. Biretta, P-37550, Clinton Township, Michigan, by the Attorney Discipline Board adopting Tri-County Hearing Panel #104's Supplemental Report on Discipline and Modifying Order of Suspension and Restitution.

- 1) Suspension - Two Years;
- 2) Effective June 26, 1998.¹

Respondent was retained to defend the complainant's son on civil infractions stemming from two separate traffic matters, and was paid a \$600 fee. The panel found, by default, that respondent neglected and abandoned the matter; failed to refund the unearned portion of the fee; and failed to answer the Formal Complaints. Respondent also failed to appear at the disciplinary hearing. The panel concluded that respondent's conduct violated MCR 9.104(1)-(4) and (7); and Michigan Rules of Professional Conduct 1.1(c); 1.3; 1.4(a); 1.5; 1.16(d); 3.2; 3.4(c); 8.1(b); and 8.4(a) and (c). The panel ordered that respondent be suspended from the practice of law in Michigan for three years effective June 26, 1998, to run concurrent to the 180-day suspension imposed in Case Nos. 98-33-GA; 93-58-FA. The panel further ordered that respondent make restitution to the complainant in the amount of \$500 plus interest.

Respondent filed a petition for review seeking reduced discipline, but did not file a petition for stay of discipline. On December 11, 1998, the Attorney Discipline Board entered an Order Remanding to Hearing Panel for Further Testimony. Following a hearing pursuant to the order of remand, the panel filed a supplemental report recommending that respondent be suspended from the practice of law for two year subject to conditions relevant to the established misconduct. On March 18, 1999, the Board entered an Order Adopting Supplemental Report on Discipline and Modifying Order of Suspension and Restitution. Costs were assessed in the total amount of \$647.61.

¹ Respondent was also suspended for failure to pay his annual dues to the State Bar of Michigan, effective February 20, 1998. That suspension remains in effect.