

NOTICE OF REVOCATION AND RESTITUTION

Case Nos. 97-190-GA; 97-218-FA

William J. Braaksma, P-28003, Portage, Michigan, by the Attorney Discipline Board affirming Kalamazoo County Hearing Panel #2's Order of Revocation and Restitution.

- 1) Revocation;
- 2) Effective April 11, 1998.1.

Respondent was retained to represent the complainant in a claim against an insurance company, and was thereafter appointed to represent the complainant in a claim for Social Security benefits. Respondent later received a settlement check from the insurance company on the complainant's behalf in the amount of \$7,500. Respondent then charged the complainant \$922.50 for services provided in connection with the Social Security matter, and withheld an additional \$578.50 from the complainant's proceeds from the insurance matter for payment of future services to be performed in the Social Security matter. The panel found, by default, that respondent charged the complainant a fee of \$922.80 for services to be performed in the Social Security matter, when that fee was not authorized by the Social Security Administration [SSA]; he charged the complainant a fee of \$578.50 for services to be performed in the Social Security matter, when that fee was not authorized by the SSA; and, despite requests for refunds by the complainant, respondent refused to return the monies charged in connection with the Social Security matter, claiming that all of the monies withheld as fees for services in connection with the Social Security matter had been taken as earned fees. Respondent's conduct was found to be in violation of MCR 9.104(1)-(5); MRPC 1.5(a); and MRPC 8.4(a)-(c). The panel ordered that respondent's license to practice law be revoked and that he make restitution to the complainant in the amount of \$1500. Costs were assessed in the amount of \$318.10.

Respondent filed a petition for review and stay of discipline. The petition for stay was granted. On March 20, 1998, the Attorney Discipline Board entered an Order Affirming Hearing Panel Order of Revocation (and Restitution).

1. 1. Respondent has been continuously suspended from the practice of law in Michigan since January 17, 1996.

