

NOTICE OF SUSPENSION AND RESTITUTION

Case Nos. 97-252-GA; 97-272-FA

James C. Lucas, P-23759, Lansing, Michigan, by Attorney Discipline Board Ingham County Hearing Panel #2.

- 1) Suspension - 180 Days;
- 2) Effective December 1, 1997.

Respondent was retained and paid \$750 to represent the complainant's husband in a divorce matter, and filed a Complaint for Divorce in Ingham County Circuit Court. The plaintiff subsequently paid respondent an additional \$750. Respondent later provided the plaintiff with a billing statement that indicated that he had a \$900 credit balance on his account. One month later, the plaintiff died. Two months later, an Order of Dismissal was entered by the court based upon the plaintiff's death. The panel found, by default, that respondent failed to return the \$900 credit balance to the plaintiff's estate, despite being asked to do so by the attorney for the estate; and failed to provide the estate with an accounting of his services and/or costs, despite being asked to do so by the attorney for the estate. Respondent also failed to answer the Formal Complaints and failed to appear for the disciplinary hearing. Respondent's conduct violated MCR 9.104(1)-(4) and (7); and Michigan Rules of Professional Conduct 1.15(b); 1.16(d); 8.1(b); and 8.4(a)-(c).

On December 22, 1997, the panel entered an order suspending respondent from the practice of law for sixty days effective December 1, 1997, the date of the disciplinary hearing.¹ The panel also ordered respondent to make restitution to the plaintiff's estate in the amount of \$900 plus interest, and file written proof of restitution, by January 1, 1998. The panel further ordered that if respondent failed to file written proof of restitution by January 1, 1998, the suspension in this matter would be automatically increased to 180 days. On January 12, 1998, the panel entered an order increasing the suspension to 180 days due to respondent's failure to make restitution by January 1, 1998. Costs were assessed in the amount of \$260.37.

1. Respondent has been continuously suspended from the practice of law since October 17, 1997, pursuant to an Interim Order of Suspension entered in an unrelated matter.

