

NOTICE OF REVOCATION AND RESTITUTION

Case Nos. 97-144-GA; 97-162-FA

Barry W. Litvin, P-16736, Southfield, Michigan, by Attorney Discipline Board Tri-County Hearing Panel #64.

- 1) Revocation;
- 2) Effective September 12, 1997.

Respondent represented the first complainant in a landlord/tenant matter. The panel found, by default, that respondent neglected the matter and failed to answer the Request for Investigation.

Respondent represented the plaintiff in a divorce action. The property settlement directed that an escrow account be opened, and that \$11,000 be placed into the account to cover the defendant's portion of the parties' estimated tax liability. Any balance was to be remitted to the defendant. Plaintiff provided respondent with an \$11,000 cashier's check. The panel found that respondent failed to open an escrow account; deposited the check into a trust account but failed to maintain the funds in that account; failed to promptly pay to the defendant the funds to which she was entitled; failed to keep the parties, opposing counsel, and the subsequently appointed receiver (the second complainant), informed concerning the status of the funds; misappropriated the funds; and failed to answer the Request for Investigation.

Respondent represented the third complainant in a real estate action. The panel found that respondent neglected the matter; failed to refund the unearned \$600 fee; and failed to answer the Request for Investigation.

Respondent represented the fourth complainant's corporation in a collection matter. He received a total of \$4,555.95 in garnished wages from the garnishee's employer on his client's behalf. The panel found that respondent misappropriated those funds; failed to pay to his client any of the funds to which it was entitled; failed to keep his client informed concerning the status of the funds; and failed to answer the Request for Investigation. Respondent also failed to answer the Formal Complaints and failed to appear at the disciplinary hearing.

Respondent's conduct was found to be in violation of MCR 9.103(C); MCR 9.104(1)-(4) and (7); MCR 9.113(A) and (B)(2); and Michigan Rules of Professional Conduct 1.1(c), 1.3; 1.4(a) and (b), 1.5(a), 1.15(a) and (b), 1.16(d), 3.2, 3.4(c), 8.1(b), and 8.4(a)-(c). The panel ordered that respondent's license to

practice law be revoked for a second time,1. and that he make restitution in the total amount of \$5,155.95. Costs were assessed in the amount of \$297.14.

1. Respondent's license to practice law in Michigan was also revoked effective November 28, 1996. He was also suspended from the practice of law for 18 months effective June 27, 1996.