

NOTICE OF SUSPENSION AND RESTITUTION

Case Nos. 97-77-GA; 97-112-FA; 97-104-GA; 97-141-FA

Joseph Mansfield, P-40335, St. Johns, Michigan, by Attorney Discipline Board Genesee County Hearing Panel #3.

- 1) Suspension - Three (3) Years;
- 2) Effective August 12, 1997.

The first complainant paid respondent \$600 to represent him in civil litigation. The panel found that respondent neglected the matter and failed to release to the complainant his client file and/or refund the unearned fee.

The second complainant retained respondent for \$7500 to represent him in federal civil litigation. The panel found that respondent neglected the matter and failed to release the client file and/or refund the unearned fee.

The third complainant paid respondent \$250 to negotiate a debt settlement. The panel found that respondent neglected the matter and failed to release the client file and/or refund the unearned fee.

The fourth complainant(s) retained respondent to represent them in civil litigation. The panel found that respondent neglected the matter.

Respondent represented the fifth complainant(s) in a civil matter. He settled the litigation for over \$5000. After deductions were made for respondent's fees, the complainants' share of the settlement proceeds was \$5000. Respondent asked them to loan \$5000 to his unnamed client for thirty days, represented that they would receive \$800 in interest, promised that he would guarantee repayment of the loan, and executed a promissory note. The panel found that respondent engaged in a conflict of interest by failing to advise the complainants to obtain independent counsel regarding the transaction; failing to provide them security for the loan; failing to provide them full written disclosure of the terms of the loan transaction or to advise them of the risks inherent in the transaction; and failing to maintain reasonable communication with them regarding repayment of the loan. Respondent also failed to answer all of the Requests for Investigation and 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(a)-(c); 1.2(a); 1.3;

1.4; 1.7(b); 1.8(a); 1.16(a) and (d); 3.2; 8.1(b); and 8.4(a)-(c).

The panel ordered that respondent be suspended from the practice of law for three years and make restitution to the complainants in the total amount of \$10,850. Costs were assessed in the amount of \$454.25.

NOTE: Respondent has been continuously suspended from the practice of law since January 28, 1997.