

NOTICE OF SUSPENSION AND RESTITUTION

Case Nos. 96-229-GA; 96-259-FA

James E. Foster, P-37701, Highland Park, Michigan, by
Attorney Discipline Board Tri-County Hearing Panel #17.

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

Respondent was retained by the complainant to file a petition for the restoration of the complainant's driver's license. The panel found, by default, that respondent failed to file a petition for the restoration of the complainant's driver's license; failed to respond to the complainant's inquiries; failed to keep the complainant reasonably informed concerning the status of the matter; made representations to the complainant which were false and were known by respondent to be false at the time they were made; failed to refund the unearned \$400 attorney fee; failed to answer the Request for Investigation; and failed to answer the Formal Complaints. Respondent also 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(b), 1.16(d), 3.2, 8.1(b) and 8.4(a)-(c).

The panel ordered that respondent be suspended from the practice of law for 180 days commencing February 1, 1997, and that he made restitution to the complainant in the amount of \$400. Costs were assessed in the amount of \$178.02.

NOTE: Respondent was also suspended from the practice of law for failure to pay his annual dues to the State Bar of Michigan effective January 28, 1997.