

NOTICE OF REPRIMAND AND RESTITUTION
(By Consent)

Case Nos. 96-116-GA; 96-139-GA

Dennis E. Moffett, P-17863, Madison Heights, Michigan, by
Attorney Discipline Board Tri-County Hearing Panel #69.

- 1) Reprimand;
- 2) Effective January 4, 1997.

Respondent prepared a civil complaint for legal malpractice for the first complainant, which was filed by the complainant in pro per. The complainant later paid respondent \$4,500 to be applied against his one-third contingency fee. Respondent then filed an appearance on the complainant's behalf. About ten months later, the court granted respondent's motion to withdraw. The court later issued an opinion requiring respondent to reimburse the complainant the full \$4,500 retainer. A judgment was entered on the complainant's behalf in the amount of \$4,500 with statutory interest from the date of judgment. Respondent pled no contest to allegations that he failed to return the \$4,500 plus interest.

Respondent was retained to represent the second complainant in a malpractice action. He later sent the complainant a check in the amount of \$10,274.16, representing the complainant's portion of the settlement proceeds. Respondent pled no contest to allegations that he overcharged the complainant \$1,980 for purported costs which were not incurred; failed to credit the complainant for monies paid to him for reimbursement of costs; and failed to refund these monies.

Respondent's conduct was alleged to be in violation of MCR 9.104(1)-(4); and Michigan Rules of Professional Conduct 1.5(a); 1.15(b) and (c); 1.16(d); 3.4(c); and 8.4(a) and (c).

The parties stipulated that respondent be reprimanded and make restitution to the complainants in the total amount of \$8,583.34 plus interest. The parties further stipulated that respondent's failure to make restitution within one year would result in a 180-day suspension. Costs were assessed in the amount of \$378.63.