

NOTICE OF REVOCATION AND RESTITUTION

Case Nos. 96-227-GA; 96-243-FA

David L. Underwood, P-44754, Haslett, Michigan, by Attorney Discipline Board Ingham County Hearing Panel #7.

- 1) Revocation;
- 2) Effective December 9, 1996.

Respondent was retained to represent the first complainant on appeal in a workers' compensation proceeding. The complainant agreed to pay \$1900 for respondent's legal fee. Thereafter, two checks were issued in satisfaction of the claim totalling over \$33,000. Respondent deposited the checks into his personal savings account. After various disbursements, including his legal fee, respondent was to have held \$3,279.76 in trust for the complainant. A year later, the complainant filed an action against respondent in 54th District Court, demanding payment of that sum and a refund of the \$1900 legal fee. A \$5,242.38 default judgment was later entered against respondent. The panel found, by default, that respondent failed to deposit the complainant's funds in a trust account and commingled the funds in his personal account; misappropriated \$3,279.76 due the complainant; failed to promptly account for the funds to the complainant; failed to promptly return to the complainant the \$5,242.38 to which he was due; failed to satisfy the \$5,242.38 judgment entered by the district court; and made statements in his answer to the Request for Investigation which were false and were known by him to be false at the time they were made.

Respondent was retained to represent the second complainant in a personal injury action. The panel found that respondent neglected the matter. The panel further found that respondent failed to cooperate in the Attorney Grievance Commission's investigations and failed to appear in compliance with an Ingham County Circuit Court Order to Show Cause concerning his failure to cooperate in the investigations. 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),(6)and(7); and Michigan Rules of Professional Conduct 1.1(c); 1.2(a); 1.4; 1.15(a)-(c); 3.2; 3.4(c); 8.1(a)and(b); 8.4(a)-(c).

The panel ordered that respondent's license to practice law be revoked effective December 9, 1996, the date of the disciplinary hearing, and that he make restitution in the amount of \$5,242.58. Costs were assessed in the amount of \$464.46.

NOTE: Respondent has been continuously suspended from the practice of law in Michigan since August 25, 1995, for his failure to pay costs assessed in a prior disciplinary matter.