

NOTICE OF SUSPENSION AND RESTITUTION

Case Nos. 95-160-GA; 95-188-FA

Lee Thomas Hoffmann, P-24565, Rochester Hills, Michigan, by the Attorney Discipline Board affirming Tri-County Hearing Panel #55's Order of Suspension and Restitution.

- 1) Suspension - 180 days;
- 2) Effective May 16, 1996.

Respondent was retained to represent the plaintiff/husband in a divorce action, and requested and received a \$1,500 retainer fee. He filed a complaint for divorce in Genesee County Circuit Court and tendered a check to the clerk's office for the \$92 filing fee. The panel found, by a preponderance of the evidence, that respondent paid the filing fee with a check drawn on insufficient funds; failed to maintain sufficient funds in the account to cover the check; subsequently failed to make good on the check despite the court's repeated requests and the court's warning that failure to pay the fee would result in the dismissal of the divorce action; failed to return the unearned attorney fees to his client after being discharged; and failed to answer the Request for Investigation. 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 the Michigan Rules of Professional Conduct, 1.5(a); 1.15(b); 1.16(d); 3.4(c); 8.1(b); and 8.4(a)-(c).

The panel ordered that respondent be suspended from the practice of law for 180 days and make restitution to the complainant in the amount of \$1,200.

Respondent filed a petition for review and for stay of discipline. The petition for stay was granted. On April 24, 1996, the Attorney Discipline Board entered an Order Affirming the Hearing Panel Order of Suspension. Costs were assessed in the amount of \$501.76.