

NOTICE OF SUSPENSION AND RESTITUTION
(By Consent)

Case No. 95-190-GA

Richard C. Rolph, P-34074, Burbank, CA (formerly of Traverse City, MI) by Attorney Discipline Board Cheboygan County Hearing Panel #2.

- 1) Suspension - 179 days;
- 2) Effective July 12, 1996.

In March 1994, respondent was retained to represent a man in bankruptcy proceedings, and received a \$620 fee for the representation. He admitted that he neglected the matter; failed to promptly refund the unearned fee or to release the client file; and, although he refunded \$500 in February 1995, he failed to return the remaining funds or the client file.

In October 1993, respondent was paid \$200 to represent a woman in a divorce proceeding. He admitted that he neglected the matter and failed to refund the unearned fee until February 1995.

In 1992, respondent was retained to institute a Chapter 7 bankruptcy proceeding concerning his client's business. He admitted that he neglected the matter. In 1993, the same client retained respondent to foreclose on a home he had sold. Respondent admitted that he neglected the matter; failed to refund the unearned \$540 paid as advanced fees and costs for both matters or return the file to his client; and failed to sign his answer to the Request for Investigation or comply with the AGC's request to submit a signed answer.

Respondent's conduct was admitted 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, 1.1(a)-(c); 1.2(a); 1.3; 1.4; 1.5(a); 1.15(b); 1.16(d); 3.2; 8.1(b); and 8.4(a)and(c).

The parties stipulated that respondent be suspended from the practice of law in Michigan for 179 days and make restitution to the complainants. Costs were assessed in the amount of \$33.02.