

NOTICE OF REVOCATION AND RESTITUTION

Case Nos. 95-173-GA; 95-195-FA

David E. Howell, P-28560, Troy, Michigan, by Attorney
Discipline Board Tri-County Hearing Panel #63.

- 1) Revocation;
- 2) Effective April 2, 1996.

Respondent was entrusted with an endorsed cashier's check in the amount of \$61,217.25, which he was to invest on his clients' behalf. The panel found, by default, that respondent misappropriated \$55,217.35 of the funds and knowingly made a false statement in his answer to the Request for Investigation.

Respondent was the attorney of record for an estate. The personal representative of the estate entrusted respondent with a check in the amount of \$23,773.60, which constituted an asset of the estate. The panel found, by default, that respondent misappropriated the funds and failed to answer the Request for Investigation.

Respondent represented the seller in a real estate transaction. The buyer entrusted respondent with a \$20,000 cashier's check, which represented his earnest money deposit on the property. The panel found, by default, that respondent misappropriated the funds and failed to answer the Request for Investigation.

Respondent acted as attorney for a corporation. His client later demanded that respondent release the corporate books, records and stock certificates for the company. The panel found, by default, that respondent failed to release the books, records, and certificates upon demand and failed to answer the Request for Investigation. 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); MCR 9.113(A)and(B)(2); and Michigan Rules of Professional Conduct 1.15(a)-(c); 1.16(d); 8.1(a)and(b); and 8.4(a)-(c). The panel ordered that respondent's license to practice law in Michigan be revoked and that he make restitution in the total amount of \$63,352.35. Costs were assessed in the amount of \$365.32.