

## NOTICE OF REDUCED SUSPENSION WITH MODIFIED CONDITIONS

Case Nos. 95-112-GA; 95-138-GA

Elliot B. Allen, P-40394, Detroit, Michigan, by the Attorney Discipline Board modifying Tri-County Hearing Panel #7's Order of Suspension (18 months) With Conditions.

- 1) Suspension - one (1) year;
- 2) Effective January 25, 1996.

Respondent was paid \$4,000 to represent a defendant in a criminal matter. Respondent admitted that he knowingly made a false statement to his client and failed to release the client's file upon demand. Respondent was retained to represent another defendant in a criminal matter and was paid \$2,550. The panel found, by a preponderance of the evidence, that respondent failed to keep his client advised of his changes in address; and failed to refund the unearned fees or to release the client's file upon demand. Respondent admitted that he knowingly made a false statement to his client.

Respondent was retained to pursue a child support matter and to establish a guardianship for his client's father. The panel found, by a preponderance of the evidence, that respondent neglected both matters and failed to refund the unearned \$1,500 fee. Respondent admitted that he 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); MCR 9.113(A)and(B)(2); and the Michigan Rules of Professional Conduct, 1.1(c); 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 panel ordered that respondent be suspended for eighteen months subject to certain conditions including recertification and restitution to one complainant in the amount of \$500. Respondent filed a petition for review. In an order entered May 9, 1996, the Attorney Discipline Board reduced the suspension to one year, vacated the recertification condition, modified other conditions, and affirmed restitution. Costs were assessed in the total amount of \$1,366.32.

NOTE: Respondent has been suspended from the practice of law in Michigan continuously since July 6, 1994.