

NOTICE OF REVOCATION AND RESTITUTION

Case Nos. 95-139-GA; 95-153-FA

Frederick C. Sofen, P-27394, Livonia, Michigan, by Attorney Discipline Board Tri-County Hearing Panel #21.

- 1) Revocation;
- 2) Effective December 14, 1995.

In February 1994, respondent was retained to represent a woman in a divorce matter and filed a Complaint for Divorce on her behalf. Effective April 15, 1994, respondent was suspended from the practice of law for 120 days, and effective August 15, 1994, he was suspended from the practice of law for one year. The panel found, by default, that respondent failed to notify his client of his suspension; remained counsel of record and prepared a Motion to Dismiss the Complaint for Divorce while suspended; filed a Stipulation to Dismiss the divorce action while suspended; agreed to reinstate the divorce proceedings while suspended; accepted a retainer fee in connection with the second retention while suspended; prepared a new Complaint for Divorce and directed his secretary to sign another attorney's name to the pleadings without that attorney's knowledge or consent and caused the pleadings to be filed; billed his client for legal services performed while suspended and services to be performed during the period of suspension; failed to answer the Request for Investigation; and failed to answer the Formal Complaint. Respondent also 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),(7)and(9); MCR 9.113(A)and(B)(2); MCR 9.119; MCL 600.916; MSA 27A.916; and Michigan Rules of Professional Conduct 5.5(a); 8.1(b); and 8.4(a)-(c).

The panel ordered that respondent's license to practice law be revoked and that he make restitution to the complainant in the amount of \$2,300. Costs were assessed in the amount of \$225.77.

NOTE: Respondent has been suspended from the practice of law in Michigan continuously since April 15, 1994.