

NOTICE OF REVOCATION
(By Consent)

Case No. 95-2-GA

Matthew J. Beer, P-44422, Detroit, Michigan, by Attorney
Discipline Board Tri-County Hearing Panel #30.

- 1) Revocation;
- 2) Effective May 20, 1995.

The respondent and the Grievance Administrator filed a stipulation for consent order of discipline pursuant to MCR 9.115(F)(5), which was approved by the hearing panel and the Attorney Grievance Commission.

Respondent was retained to represent a client in the appeal of a zoning matter. He admitted that he failed to serve the defendants with the summons and complaint; failed to respond to his client's inquiries; made false representations to his client; prepared and delivered to his client a fraudulent "order" that purportedly granted a preliminary injunction and temporary restraining order against defendants to which he forged, or caused the forgery, of the judge's signature; failed to deposit and/or maintain the unearned fees in a trust account, and instead, instructed his client to pay the \$1500 retainer fee to another attorney, for application against a personal debt respondent owed to that attorney; and failed to refund any portion of the \$1500 to his client upon demand. During the time period of the representation, respondent took possession of and agreed to purchase a computer from his client's brother. Respondent failed to comply with the brother's demands for payment of the \$600 purchase price or to return the computer. His client subsequently paid the indebtedness on respondent's behalf and then sought reimbursement from respondent. Respondent admitted that, after his client's repeated demands for payment, he tendered a check to his client in the amount of \$600 that was knowingly issued on a closed account; failed to return the computer or to reimburse his client the \$600 purchase price; and failed to answer the Request for Investigation.

Respondent was retained to defend a business against claims by a former employee. He admitted that he failed to appear for a pretrial conference; failed to file a witness list; failed to appear or produce his client for three depositions; failed to convey the plaintiff's \$2500 settlement offer to his client; without his client's knowledge or consent, made a counter offer to the plaintiff in the amount of \$2000, which was accepted; failed to inform his client of the settlement entered on his behalf; failed to file a response to the plaintiff's motion to enforce settlement

or to attend the hearing on the motion, resulting in the entry of a \$2500 judgment against his client; failed to inform his client of the judgment resulting in his client's lack of knowledge of the judgment until the judgment amount was garnished from his business account; failed to respond to his client's inquiries; knowingly made false representations to opposing counsel. During the pendency of that litigation, respondent agreed to defend the client against claims for sexual harassment made by two former employees. He admitted that he failed to file an answer on the defendant's behalf in either lawsuit; failed respond to his client's inquiries; and failed to answer the Request for Investigation.

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 Michigan Rules of Professional Conduct 1.1(c); 1.2(a); 1.3; 1.4(a)and(b); 1.5(a); 1.15(b); 1.16(d); 3.2; 3.4(b); 4.1; 8.1(b); and 8.4(a)-(c).

Costs were assessed in the amount of \$195.06.