

NOTICE OF SUSPENSION AND RESTITUTION

Case No. 94-5-GA

James H. Ebel, P-13086, Farmington, Michigan, by the Attorney Discipline Board increasing Tri-County Hearing Panel #78's Order of Reprimand and Restitution.

- 1) Suspension - 180 days;
- 2) Effective May 12, 1995.

Respondent was retained to represent a client in criminal proceedings. The client agreed to pay a \$5,000 fee through the pretrial proceedings. A week later, the client died and his valuables were secured by the police. Respondent assisted his client's niece in obtaining the return of those valuables, which included an unendorsed bond receipt for \$500 and a credit union check, made payable to the client, in the amount of \$5,000.

The panel found that respondent signed the name of his dead client to the bail bond receipt; informed the niece that she could keep the bond monies; falsely represented to the niece that her husband had agreed that respondent be entitled to receive the \$5,000 check; endorsed the name of his dead client to the check and placed on the draft the language: "Pay to the Order of James H. Ebel"; and failed to return the \$5,000 to his deceased client's estate. The panel also found, by a vote of two to one, that the respondent's "self-prescribed remedy" constituted a misappropriation.

The panel specifically found that respondent's conduct violated Michigan Rules of Professional Conduct 8.4(a)-(c). The complaint also charged that respondent's conduct violated MCR 9.104(1)-(4) and MRPC 1.15(a)-(c). The panel ordered that respondent be reprimanded and make restitution to the client's estate in the amount of \$5,000.

The Grievance Administrator filed a petition for review. On April 20, 1995, the Board increased discipline to a 180-day suspension and affirmed the restitution. Respondent filed a motion for reconsideration, which was denied by the Board on May 25, 1995. Costs were assessed in the amount of \$1,296.56.