

NOTICE OF REPRIMAND AND PROBATION

Case Nos. 95-14-GA; 95-26-FA

Lee Thomas Hoffmann, Jr., P-24565, Rochester Hills, Michigan,
by Attorney Discipline Board Tri-County Hearing Panel #60.

- 1) Reprimand;
- 2) Probation - two (2) years;
- 3) Both effective May 23, 1995.

Respondent failed to answer the Formal Complaint but appeared at the hearing held in Bloomfield Hills on March 9, 1995. Respondent's default was entered, and the panel determined that the default established the allegations of the Formal Complaints.

A consent order was entered in a divorce matter, directing a financial institution to transfer and rollover an IRA account from the defendant/husband to the plaintiff/wife pursuant to the terms of the judgment of divorce. Subsequent to entry of the order, the defendant refused to execute the documents necessary to effectuate the transfer of the account to the plaintiff. A petition for order to show cause was filed against the defendant regarding his refusal to sign those documents. Respondent was retained to defend the defendant in the matter and to assert a claim on his behalf to a portion of the IRA funds ordered transferred to the plaintiff.

Respondent secured the court's signature to a temporary restraining order enjoining the withdrawal of any funds from the IRA account upon false representation that a motion for preliminary injunction and temporary restraining order had been filed with the court and noticed for hearing; he failed, at any time, to file the alleged motion for preliminary injunction and temporary restraining order or to notice a hearing in the matter; he failed to serve a copy of the alleged motion on the plaintiff or her counsel although it formed the basis for the court's entry of a temporary restraining order; without any notice to plaintiff of the order, he transmitted the temporary restraining order to the financial institution which placed a hold on the IRA account; and, although he subsequently filed a motion for order to show case against the plaintiff in which he asserted a claim on behalf of his client to a portion of the funds in the IRA account, he failed to appear for two hearings that he scheduled on the motion.

Respondent's conduct was found to be in violation of MCR 9.104(1)-(4)and(7); and Michigan Rules of Professional Conduct 1.2(a)and(c); 3.3(a)(1); 3.4(c); 8.1(b); and 8.4(a)-(c).

The panel ordered that the respondent be reprimanded and

placed on probation for a period of two years. The probation is subject to certain conditions, including practicing under the supervision of a mentor, attending a law office management course and other continuing legal education, obtaining legal malpractice insurance, and making restitution to the complainant in the amount of \$1,000. Costs were assessed in the amount of \$426.86.