

NOTICE OF REPRIMAND AND PROBATION  
(By Consent)

Case No. 93-262-GA

Ben Gonek, P-43716, Birmingham, Michigan, by Attorney  
Discipline Board Tri-County Hearing Panel #56.

- 1) Reprimand;
- 2) Probation - one (1) year;
- 3) Both effective April 5, 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 file a supplemental brief in a pending criminal appellate matter, and received attorney fees totalling \$4,000. He entered his appearance in the appellate matter by filing a substitution of counsel.

Respondent pled no contest to allegations that he failed to file a supplemental brief on his client's behalf prior to the conviction being affirmed; failed to appear on numerous occasions for prison visits he promised to conduct; failed to respond to his client's inquiries; and failed to refund the unearned portion of the \$4,000 attorney upon demand.

Respondent's conduct was alleged to be in violation of MCR 9.104(1)-(4); and Michigan Rules of Professional Conduct 1.1(a)-(c); 1.3; 1.4; 1.5; 1.15(b); 1.16(d); 3.2; 3.4(c); and 8.4(a)and(c).

Respondent agreed to pay the complainant a partial reimbursement of the fee in the amount of \$1,000. Costs were assessed in the amount of \$812.37.