

NOTICE OF SUSPENSION AND RESTITUTION

Case No. 94-102-GA; 94-113-FA

Frederick Sofen, P 27394, Livonia, Michigan by Attorney
Discipline Board Tri-County Hearing Panel #2.

- 1) Suspension - One Year;
- 2) Effective August 15, 1994.

The respondent failed to answer the consolidated formal complaints and failed to appear at the scheduled hearing before a hearing panel. The panel concluded that respondent's default constituted admissions to the allegations in the complaints that he was retained in December 1991 to enforce the provisions of a divorce judgment but failed to take action on his client's behalf and failed to respond to his client's inquiries; failed to refund any portion of the unearned fee which had been paid at the time of his retention; failed to answer the client's Request for Investigation and failed to answer the formal complaint filed by the Grievance Administrator.

Respondent's conduct was found to be in violation of MCR 9.103(C); MCR 9.104(1-4,7); MCR 9.113(A); MCR 9.113(B)(2) and Michigan Rules of Professional Conduct, 1.1(c); 1.3; 1.4; 1.15(b); 1.16(d); 3.2; 8.1(b); and, 8.4(a,c).

The hearing panel noted the aggravating effect of the respondent's prior discipline consisting of reprimands in 1987 and 1989 and a 120-day suspension effective April 15, 1994. The panel ordered that respondent be suspended for a period of one year and until further order of the Supreme Court, the Attorney Discipline Board or a hearing panel following reinstatement proceedings conducted under MCR 9.123(B) and MCR 9.124. The respondent was further ordered to make restitution to his former client for the full amount of the unearned fee in the amount of \$1000.00.

Costs were assessed in the amount of \$302.14.