

NOTICE OF SUSPENSION AND RESTITUTION  
(By Consent)  
Case No. 94-133-GA

Alvin J. McChester, P-32849, Detroit, Michigan, by Attorney Discipline Board Tri-County Hearing Panel #3.

- 1) Suspension - forty-five (45) days;
- 2) Effective October 19, 1994.

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 the plaintiff/wife in a divorce action and instituted proceedings on her behalf. A default was entered against the defendant. Prior to the final court date, respondent's client asked him whether the divorce would affect an adoption that she and her husband were in the process of completing. Respondent advised her that the divorce might cause a problem with the adoption and that it should be "put on hold" until the adoption process was complete. She agreed to place the divorce "on hold" and was to contact respondent after the adoption was finalized to proceed with the divorce. Approximately two years later, she contacted the respondent's office and requested that the divorce matter proceed. Respondent pled no contest to charges that he failed to respond to his client's inquiries regarding her desire to proceed with the matter; failed to take any further action on her behalf; failed to advise her that he was taking no further action on her behalf; failed to return the unearned portion of his attorney fee; and failed to answer the Request for Investigation.

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

Respondent agreed to make restitution to his former client in the amount of \$250. Costs were assessed in the amount of \$77.96.

NOTE: Respondent's license to practice law in Michigan has been suspended continuously since November 4, 1993.