

NOTICE OF REVOCATION AND RESTITUTION

Case No. 94-154-JC

Malik Hodari, P-37380, Okemos, Michigan, by the Attorney Discipline Board affirming Tri-County Hearing Panel #33's Order of Revocation and Restitution.

- 1) Revocation;
- 2) Effective August 10, 1994.

On August 10, 1994, respondent was convicted in U.S. District Court, Western District of Michigan, by guilty plea, of Conspiracy to Impede Department of Treasury, in violation of 18 USC 371. On November 3, 1994, respondent was also convicted in Ingham County Circuit Court, by guilty plea, of Embezzlement by Agent, in violation of MCL 750.174-B. In accordance with MCR 9.120(B)(1), respondent's license to practice law in Michigan was suspended automatically effective August 10, 1994, the date of the first felony conviction. Upon the filing of the judgments of conviction, the Attorney Discipline Board entered an order directing respondent to show cause why a final order of discipline should not be entered. Show cause proceedings were held on May 15, 1995. Respondent did not appear, nor did his counsel. On June 14, 1995, Tri-County Hearing Panel #33 entered an Order of Revocation and Restitution. That order directed that respondent's license to practice law in Michigan be revoked effective August 10, 1994, the effective date of the automatic interim suspension, and that he make restitution to the United States in the amount of \$40,554, in accordance with the judgment of the U.S. District Court.

Respondent, through counsel, filed a petition for review on the grounds that respondent was denied due process because the panel hearing was held while respondent was incarcerated. On January 18, 1996, the Attorney Discipline Board affirmed the hearing panel Order of Revocation and Restitution, holding that, "The decision of the respondent and/or his counsel not to participate in the hearing panel proceedings . . . did not constitute a denial of the opportunity to participate in those proceedings."

Costs were assessed in the amount of \$91.50.