

## NOTICE OF REVOCATION AND RESTITUTION

Case Nos. 94-88-GA; 94-104-FA

Jeffrey F. Robbins, P-33956, St. Joseph, Michigan, by Attorney Discipline Board Kalamazoo County Hearing Panel #1.

- 1) Revocation;
- 2) Effective August 19, 1994.

Respondent failed to answer the Formal Complaint and failed to appear at the hearing held in Kalamazoo on July 11, 1994. Respondent's default was entered, and the panel determined that the default established the allegations of the Formal Complaint.

Respondent was retained to represent a partnership in a real estate matter, whereby an agreement was made that \$5,898 was placed in trust with respondent pending completion of plumbing work. Respondent thereafter released \$1,449 to the plumbing company at the request of his client. Respondent's client subsequently authorized respondent to release an additional \$3,000 from the trust to the plumbing company. Respondent failed to maintain the funds in a trust account; failed to deliver to his client or the plumbing company the funds to which the client was entitled; failed to respond to his client's inquiries; failed to keep his client reasonably informed; misappropriated the funds; failed to forward the money in the trust account to the plumbing company on his client's behalf; failed to respond to the inquiries of the plumbing company; and failed to answer the Request for Investigation.

Respondent was retained to represent a client in a civil matter, but failed to keep her reasonably informed; failed to respond to her inquiries; and failed to answer the Request for Investigation.

Respondent's conduct was found to be in violation of MCR 9.103(C); MCR 9.104(1)-(4)and(7); MCR 9.113(A)and(B)(2); and Michigan Rules of Professional Conduct 1.1(c); 1.3; 1.4; 1.15(a); 3.2; 8.1(b); and 8.4(a)and(c). In its report issued August 19, 1994, the panel concluded that respondent's license to practice law should be revoked and he should make restitution to one complainant in the amount of \$4,449.

Prior to the filing of the panel's report, the respondent's license to practice law in Michigan was revoked by the Attorney Discipline Board effective April 7, 1994, in an unrelated case, Matter of Jeffrey F. Robbins, 93-100-GA, et al. On August 19, 1994, the Attorney Discipline Board entered a notice of discontinuance without prejudice with the panel's report on the grounds that the prior order of revocation terminated the

respondent's status as an "attorney" within the meaning of MCR 9.101(5). On October 31, 1994, the Michigan Supreme Court issued its memorandum opinion in Grievance Administrator v Attorney Discipline Board, #99015, vacating the Board's notices of discontinuances in two unrelated matters ruling that the Board retains jurisdiction to consider misconduct committed during the period of licensure by attorneys whose licenses were later revoked and directing the Board to determine whether discontinuance without prejudice is the appropriate resolution in the particular circumstances of each case.

On December 20, 1994, the Board entered an order vacating notice of discontinuance and remanding to hearing panel for entry of order of revocation and restitution. On January 3, 1995, the panel entered its order of revocation and restitution. The revocation is deemed to be effective August 19, 1994, the date the panel's report was originally issued.

Costs were assessed in the amount of \$287.01.