

NOTICE OF SUSPENSION AND RESTITUTION
(By Consent)

Case Nos. 92-163-GA; 92-252-GA; 92-284-FA; 93-92-GA

Frederick C. Sofen, P-27394, Livonia, Michigan, by Tri-County Hearing Panel #56 and the Attorney Discipline Board.

- 1) Suspension - 120 days;
- 2) Effective April 15, 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 handle a real estate matter involving the purchase of a home and was paid a \$420 retainer. He pled no contest to allegations that he failed to have the deed properly recorded; failed to keep his client informed concerning the status of the matter; failed to return the unearned portion of his fee; and failed to answer the request for investigation.

Respondent was retained to represent a defendant in post-conviction proceedings and was paid a \$2000 fee. He pled no contest to allegations that he failed to file a brief on appeal, causing the appeal to be dismissed; failed to timely pay costs assessed against him by the Court of Appeals; failed to file a motion for new trial or seek other post-conviction relief; failed to file a motion to withdraw from the appeal; failed to keep his client reasonably informed concerning the status of the matter; failed to advise his client that the appeal had been dismissed; failed to return the unearned fee; and failed to answer the formal complaint.

Respondent was retained by three defendants to represent them in a collective appeal of their criminal convictions and was paid a \$10,000 fee. He pled no contest to allegations that he failed to prosecute the appeal; failed to comply with the filing requirements of the U.S. Court of Appeals, causing the appeal to be dismissed; failed to keep his clients reasonably informed concerning the status of their matters; failed to respond to the inquiries of the court and opposing counsel; failed to refund the unearned portion of the fee; knowingly made false statements to his clients; and failed to answer three requests 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); 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); 4.1; 8.1(b); and 8.4(a)-(c); and Canons 1, 6,

7 and 9 of the then-applicable Code of Professional Responsibility, DR 1-102(A)(1),(5)and(6); DR 6-101(A)(3); DR 7-101(A)(1)and(3); and DR 9-102(B)(4).

Respondent agreed to make restitution to his clients in the total amount of \$4,500. On January 24, 1994, the panel entered an order encompassing the terms of the stipulation for consent order of discipline and deeming the 120-day suspension effective on that date. Respondent filed a motion to amend the effective date of the suspension, which was granted by the Attorney Discipline Board, and the suspension is deemed to be effective April 15, 1994.

Costs were assessed in the amount of \$404.17.