

NOTICE OF PROBATION

Case Nos. 93-126-GA; 93-167-FA

Judith A. Oswell, P-31849, Allen Park, Michigan, by Attorney Discipline Board Tri-County Hearing Panel #17.

- 1) Probation - one (1) year;
- 2) Effective March 23, 1994.

Respondent failed to timely answer the formal complaint, but appeared at the hearings held in Detroit on September 3, 1993 and January 31, 1994. Respondent's default was entered, and the panel determined that the default established the allegations of the formal complaint.

Respondent was retained to probate an estate, but failed to administer the estate or assist the personal representative in administering the estate; failed to file an inventory or assist the personal representative in filing an inventory; failed to pay the inheritance taxes, although the money had been forwarded to her by the personal representative on two occasions; failed to keep the personal representative reasonably informed; failed to respond to the personal representative's inquiries; failed to refund the unearned \$816 attorney fee; knowingly made a false statement to the personal representative regarding the payment of inheritance taxes; 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); MCR 9.113(B)(2); and the Michigan Rules of Professional Conduct, 1.1(c); 1.3; 1.4; 1.5; 1.15(b); 1.16(d); 3.2; 4.1; 8.1(b) and 8.4(a)-(c).

The panel determined that respondent met the criteria for probation set forth in MCR 9.121(C)(1)(a)-(d) and that an order of probation was not contrary to the public interest.

Costs were assessed in the amount of \$938.35.