

NOTICE OF SUSPENSION AND RESTITUTION

Case Nos. 93-213-GA; 93-246-FA

Stephen E. Morgan, P-28536, Jackson, Michigan, by Attorney Discipline Board Ingham County Hearing Panel #6.

- 1) Suspension - one (1) year;
- 2) Effective December 18, 1993.

Respondent failed to answer the formal complaints, but appeared at the hearing held in Lansing on December 14, 1993. Respondent's default was entered, and the panel determined that the defaults established the allegations of the formal complaints.

Respondent was retained to prepare a land contract and obtain a title search, but failed to obtain the title search and/or failed to provide his client with documentation that the title search had been completed; failed to keep his client reasonably informed concerning the status of the matter or to respond to her inquiries; failed to refund any portion of his \$650 fee; and failed to answer the request for investigation.

Respondent was retained to incorporate a business and was paid a \$600 fee, but failed to respond to his client's requests for the originals of all documents prepared by respondent and stock certificates for the company; failed to provide his client, upon demand, with the property to which he was entitled; failed to turn over the documentation, even after the local bar association president intervened on the client's behalf and the client filed a request for investigation; and failed to answer the request for investigation.

Respondent was by the defendants in connection with a real estate matter, but, after the court denied plaintiff's motion for summary disposition, failed to timely present an order denying motion for summary disposition for entry by the court; failed to notify his clients of a settlement conference; failed to appear for the settlement conference; failed to notify his client of the trial date; failed to prepare for trial or to prepare his clients for trial; on the trial date, without notice to his clients, moved to withdraw from the representation and allowed a default to enter against his clients based on their failure to appear; and knowingly made false representations to the court.

Respondent was retained by the same clients to bring suit for removal of their neighbor's mail box which encroached on the clients' property and was paid a \$500 fee, but after the defendants moved the mail box, respondent failed to file with the court a brief regarding his clients' entitlement to actual costs, causing

his clients to lose the opportunity to collect actual costs from the defendants; 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; 3.3(a)(1); 8.1(b); and 8.4(a)-(c).

The panel ordered that respondent's license to practice law in Michigan be suspended for a period of one year, effective December 18, 1993, and that he make restitution to his clients in the amount of \$6440 plus interest, and to make restitution for any further legal fees incurred as a result of his misconduct. Costs were assessed in the amount of \$343.29.