

## NOTICE OF SUSPENSION AND RESTITUTION

Case Nos. 93-183-GA; 93-199-FA

Susan Fancett, P-41269, Mt. Clemens, Michigan, by Tri-County Hearing Panel #106 and the Attorney Discipline Board.

- 1) Suspension - 120 days;
- 2) Effective February 15, 1994.

Respondent failed to answer the formal complaints and failed to appear at hearings held in Mt. Clemens on October 21, 1993 and December 7, 1993. Respondent's defaults were entered and the panel determined that the defaults established the allegations of the formal complaints.

Respondent was retained to represent the plaintiff/wife in a divorce action and was paid \$342 in fees, but failed to file the divorce action; failed to respond to her client's inquiries; failed to keep her client reasonably informed; knowingly made false representations to her client; failed to return the unearned fees; knowingly made a false representation in her answer to the request for investigation; failed to respond to a letter from the Attorney Grievance Commission; and failed to comply with an AGC subpoena.

Respondent's conduct was found to be in violation of MCR 9.103(C); MCR 9.104(1)-(4),(6)and(7); and Michigan Rules of Professional Conduct 1.1(c); 1.3; 1.4; 1.5; 1.15(b); 1.16(d); 3.2; 8.1(b); and 8.4(a)-(c). The panel ordered that respondent be suspended for ninety days and make restitution to her client in the amount of \$342. The panel further ordered that if respondent failed to make restitution within the time prescribed, the suspension would be increased to 120 days.

The Grievance Administrator filed a petition for review seeking an increase in discipline. Respondent failed to make restitution within the time prescribed. On March 18, 1994, the Attorney Discipline Board entered an order striking the provision of the panel's order which directed that respondent's license be suspended for ninety days and until compliance with MCR 9.123(A), and replaced it with a provision that respondent be suspended for 120 days and until reinstatement in accordance with MCR 9.123(B) and MCR 9.124. Following the issuance of that order, the Grievance Administrator filed a motion to dismiss the petition for review, which was granted by the Board in an order issued March 29, 1994.

Costs were assessed in the amount of \$244.20.