

NOTICE OF REPRIMAND AND RESTITUTION  
(By Consent)

Case No. 92-265-GA

Dennis E. Moffett, P-17863, Pontiac, Michigan, by Attorney  
Discipline Board Tri-County Hearing Panel #75.

- 1) Reprimand;
- 2) Effective October 1, 1993.

Respondent represented the plaintiff in a legal malpractice action. He pled no contest to allegations that he failed to timely file a witness list; failed to file a response to Defendant's Motion to Dismiss; failed to appear and argue the Motion to Dismiss; and, failed to timely advise his client of the Motion to Dismiss.

Respondent was retained to represent a plaintiff in two legal malpractice actions and agreed to draft all necessary pleadings but refused to file an appearance on his client's behalf or to appear for him at proceedings. Respondent pled no contest to allegations that he failed to explain the nature of those matters to the extent reasonably necessary to permit his client to make an informed decision on whether the limited representation offered by respondent was in his best interest; in one of the actions, failed to timely inform his client that he would not prepare an application for leave to appeal to the Michigan Supreme Court; and, in the other action, failed to prosecute the appeal filed with the Michigan Court of Appeals.

Respondent's conduct was alleged to be in violation of MCR 9.104(1)-(4); Canons 1, 6 and 7 of the then applicable Code of Professional Responsibility, DR 1-102(A)(1),(5)and(6); DR 6-101(A)(3); and DR 7-101(A)(1)-(3); and Michigan Rules of Professional Conduct 1.1(c); 1.3; 1.4; 3.2; and 8.4(a)and(c).

The parties placed a stipulation on the record before the panel, agreeing that an order of reprimand and restitution could be entered. Respondent agreed to make restitution to one of his clients in the amount of \$750. Costs were assessed in the amount of \$264.06.