

NOTICE OF SUSPENSION AND RESTITUTION
(With Conditions)

Case No. 92-272-GA

Richard G. Parchoc, P-34727, Dearborn, Michigan, by Attorney Discipline Board Tri-County Hearing Panel #85.

- 1) Suspension - one year;
- 2) Effective June 9, 1993.

Respondent failed to answer the formal complaint and failed to appear at the hearings held in Farmington Hills on December 15, 1992, and February 10 and June 29, 1993. Respondent's default was entered, and the panel determined that the default established the allegations of the formal complaint.

Respondent was paid a \$5000 retainer fee to represent a client, but failed to perform any services on his client's behalf. Respondent agreed to defend the same client in a lawsuit, but failed to file a timely answer; failed to inform his client that a Motion for Entry of Default Judgment had been filed; falsely represented to his client that he was negotiating a settlement; failed to inform his client that he had closed his office; failed to respond to telephone messages from his client; falsely stated to his client that he had no knowledge of the default that was entered against the corporation; failed to return the unearned portion of the \$5000 retainer fee; failed to release the client files to the corporation; and, failed to answer the request for investigation.

Respondent was retained by another client to bring an action and was paid a \$2500 retainer fee. He filed the action, but failed to timely serve one defendant; failed to notify his client of the dismissal of that defendant from the lawsuit; failed to take the default of another defendant; failed to respond to his client's inquiries; closed his law office without notice to his client and failed to provide him with a forwarding address; failed to advise his client of a hearing date; failed to keep his client reasonably informed concerning the status of his matter; failed to refund the unearned attorney fees paid by his client; and, failed to answer the request for investigation.

Respondent was retained by a third client to file an action and was paid a \$5000 retainer fee. He filed the action, but failed to properly serve the summons and complaint on one defendant; and, failed to further prosecute the litigation. Respondent also agreed to file a legal malpractice action on behalf of the same client and filed the action, but failed to serve the defendant, causing the action to be dismissed for lack of service. Respondent falsely advised his client that a lawsuit had been filed; failed to respond

to numerous inquiries from his client; closed his law office without any notice to his client and without having provided a forwarding address; failed to keep his client reasonably informed concerning the status of his matters; failed to return the unearned fees to his client; and, failed to answer the request for investigation. Respondent also failed to answer a separate, unrelated request for investigation.

Respondent's conduct was found to be in violation of MCR 9.103(C); MCR 9.104(1)-(4); MCR 9.113(A); MCR 9.113(B)(2); and the Michigan Rules of Professional Conduct, 1.1(c); 1.3; 1.4(a); 1.5(a); 1.15(b); 1.16(d); 3.2; 8.1(b); and 8.4(a)-(c).

The panel ordered that respondent's license to practice law be suspended for a period of one year, retroactive to the effective date of his 120-day suspension in Case No. 93-14-GA. (See Notice of Suspension dated July 30, 1993.) The panel also ordered respondent to make restitution to the three complainants in the total amount of \$12,500, and that, as a requirement of reinstatement, respondent be able to demonstrate by clear and convincing evidence his psychological fitness to practice law. Costs were assessed in the amount of \$1006.16.