

NOTICE OF SUSPENSION AND RESTITUTION

Case Nos. 91-172-GA; 91-179-GA; 91-191-FA

Michael J. Berezowsky, P22800, Ortonville, Michigan, by
Attorney Discipline Board Tri-County Hearing Panel #62.

- 1) Suspension - 150 days;
- 2) Effective February 4, 1992.

Respondent failed to answer the formal complaints and failed to appear at the hearings held in Troy on November 5 and December 16, 1991. Respondent's defaults were entered and the panel determined that the defaults established the allegations of the formal complaints.

Respondent was retained to institute a civil action and accepted a \$200 deposit towards his fees, but failed to take any action to commence litigation; failed to honor his client's requests that his paperwork be returned; failed to return the unearned portion of the attorney fee; and failed to answer the request for investigation.

Respondent was retained to conduct a debtor's examination and accepted \$100 as his fee, but failed to take any action to schedule and conduct a debtor's examination; failed to communicate with his client; failed to refund the unearned portion of the attorney fee; and failed to answer the request for investigation.

Respondent was retained to represent a defendant in a criminal appeal, but failed to file an appeal; failed to file a motion to withdraw or advise his client that he was terminating his representation; failed to keep his client advised concerning the status of the appeal; failed to communicate with his client; and failed to answer the request for investigation.

Respondent's conduct was found to be in violation of MCR 9.104(1-4,7); MCR 9.103(C); MCR 9.113(B)(2); and the Michigan Rules of Professional Conduct, 1.1(c); 1.2(a); 1.3; 1.4(a); 1.16(d); 3.2; 8.1(b); 8.4(a,c). The panel ordered respondent to make restitution to two of his clients in the total amount of \$300. Costs were assessed in the amount of \$237.14.