

NOTICE OF TRANSFER TO INACTIVE STATUS AND RESTITUTION
(By Consent)

Case Nos. DP 35/85; 90-78-PI

Barry L. Moon., P-17914, Fenton, Michigan, by Attorney
Discipline Board Livingston County Hearing Panel.

- 1) Transfer to Inactive Status;
- 2) Effective May 15, 1990.

The Grievance Administrator and the respondent have filed a stipulation for consent order of discipline containing the agreement of the parties with regard to the disposition of Formal Complaint DP 35/85 and Petition to Transfer to Inactive Status 90-78-PI. Respondent offered his plea of nolo contendere to the charges contained in Formal Complaint DP 35/85.

Respondent was retained by an organization to represent its interest concerning tax problems with the IRS and was paid \$10,000 as an advance on attorney fees for services to be rendered. Respondent agreed to institute litigation on his client's behalf and was advanced an additional \$15,000; he was discharged approximately five months later. Respondent failed to furnish the client with an itemization of services rendered and an accounting of attorney fees, failed to perform the legal services for which he was retained, charged clearly excessive fees, failed to refund the unearned fees, and failed to cooperate with the Attorney Grievance Commission in its investigation of the matter.

Respondent's conduct was found to be in violation of MCR 9.104(1-4,7); MCR 9.113(A); and Canons 1, 2, 6 and 7 of the Code of Professional Responsibility, DR 1-102(A)(1,4-6); DR 2-106(A)(B); DR 2-110(A)(3); DR 6-101(A)(1-3) and DR 7-101(A)(1-3). Respondent was ordered to make restitution in the total amount of \$26,000 to three clients. Costs were assessed in the amount of \$304.55.