

## NOTICE OF SUSPENSION AND RESTITUTION

Case Nos. 90-18-GA; 90-42-FA

Thomas J. McCallum, P-17274, Sterling Heights, Michigan, by the Attorney Discipline Board modifying a hearing panel order of suspension.

- 1) Suspension - one year;
- 2) Effective May 24, 1990.

The respondent failed to answer the formal complaint and failed to appear at the hearing held in Mount Clemens on March 26, 1990. Respondent's default was entered and the hearing panel determined that the default established the allegations of the formal complaint.

Respondent was retained to pursue a real estate action, but failed to notify his client of the relocation of his office or provide a forwarding address, failed to file a cause of action until six months after being retained, knowingly misrepresented the status of the action to his client, failed to return the unused portion of his client's \$500.00 retainer fee, 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 Rules 1.5(b) and 8.4(a-c) of the Michigan Rules of Professional Conduct.

The panel considered respondent's prior discipline consisting of a three-year and one day suspension effective December 27, 1989. Respondent's one-year suspension was ordered by the panel to run concurrently with the prior suspension.

The complainant filed a petition for review asking for full restitution of the \$500.00 retainer fee. In an order dated October 9, 1990, the Attorney Discipline Board modified the hearing panel order to include \$500.00 restitution to the complainant. Costs were assessed in the amount of \$209.80.