

## NOTICE OF REVOCATION

Case Nos. 90-173-GA; 90-185-FA

Thomas J. McCallum, P17274, Fraser, Michigan, by Attorney Discipline Board Tri-County Hearing Panel #103.

- 1) Revocation;
- 2) Effective December 22, 1989.

The respondent failed to answer the formal complaints and failed to appear at the hearing held in Mount Clemens on January 10, 1991. Respondent's defaults were entered and the panel determined that the defaults established the allegations of the formal complaints.

Respondent was retained to substitute as attorney for the Personal Representative in an estate matter and was paid \$5,250.00 in fees, but upon the court's denial of the Stipulation for Substitution failed to obtain the court's consent for the fees paid or to account for and return the funds and property of the estate, failed to comply with the court's Order of Surcharge, and failed to answer the request for investigation.

In a separate matter, respondent was retained to object to an order denying alimony and was paid a \$500.00 retainer, but following a hearing on the matter neglected to file any further pleadings or to further represent his client in the matter, falsely represented to his client that he had filed a brief with the court on her behalf, and failed to answer the request for investigation.

In another matter, respondent was retained to serve as attorney for the co-personal representatives of an estate and was paid a \$2,000.00 retainer, but failed to perform any services on behalf of his clients, failed to obtain the court's consent for the fees paid or to account for and return the funds to the estate, failed to comply with the court's Order of Judgment, and failed to answer the request for investigation.

Respondent also failed to answer an unrelated 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); MCR 8.303; and the Michigan Rules of Professional Conduct, 1.1(c); 1.3; 1.4 (a); 1.15(a,b); and 8.4(a-c). Costs were assessed in the amount of \$260.26.