

NOTICE OF SUSPENSION AND RESTITUTION

ADB 251-88; 12-89

Jacob R. Heffner, P-14820, Roseville, Michigan, by Attorney Discipline Board Macomb County Hearing Panel #5.

- 1) Suspension - 182 days;
- 2) Effective July 11, 1989.

The hearing panel unanimously found that the respondent violated his duties as alleged in both formal complaints. In Case No. ADB 251-88 Respondent was retained in connection with post-conviction proceedings and was paid a \$1,500 retainer, but failed to perform any services on behalf of his client, failed to advise his client of the status of his efforts, and failed to refund the unused portion of the retainer. Respondent was ordered to make restitution to his client in the amount of \$1,700. In Case No. ADB 12-89 Respondent was retained to assist in recovering damages to personal property and was paid a \$700 retainer,, but advised his clients to negotiate checks from an insurance carrier as ■full and final settlement■ causing the granting of defendant's motion for summary disposition, falsely advised the clients a motion for rehearing had been filed and scheduled for hearing, and made false statements in his answer to the request for investigation. Respondent was ordered to make restitution to his clients in the amount of \$700. Respondent's conduct was found to be in violation of MCR 9.104(1-4,6); and Canons 1, 2, 6 and 7 of the Code of Professional Responsibility, DR 1-102(A)(4-6); DR 2-110(A)(3); and DR 6-101(A)(3); and DR 7-101(A)(1-3). Costs were assessed in the amount of \$981.11.