

## NOTICE OF SUSPENSION

ADB 272-88; 13-89; 33-89

Kevin J. Henze, P-34801, Saginaw, Michigan, by Attorney Discipline Board Saginaw County Hearing Panel.

- 1) Suspension - three (3) years;
- 2) Effective June 2, 1989.

The respondent failed to answer the Formal Complaints and failed to appear at the hearing held in Saginaw on April 4, 1989. Respondent's defaults were entered and the hearing panel determined that the defaults established the allegations of the Formal Complaints. In Case No. ADB 272-88, Respondent was retained to prosecute a bankruptcy petition but failed to file the bankruptcy petition and failed to refund the unearned fee. In a separate matter, Respondent was retained to prosecute a divorce action but failed to take any action on his client's behalf, failed to keep in communication with his client, and failed to refund the unused fee.

In Case No. ADB 13-89, Respondent was retained to probate an estate but filed a Petition to Commence Proceedings with the Probate Court which was inaccurate and incomplete, failed to notify heirs of the estate of the proceedings, failed to respond to his client's inquiries, and misappropriated \$1,500.00 from the estate. In a separate matter, Respondent was retained to represent a client in a divorce action but failed to take any action on the client's behalf, failed to reply to the client's inquiries, and failed to refund the retainer paid him.

In Case No. ADB 33-89, Respondent agreed to hold \$2,400.00 in escrow to be released to a builder upon completion of work. Respondent commingled the funds in his personal account, failed to pay the builder, misappropriated the funds, and made a false statement in his answer to the Request for Investigation. In a separate matter, Respondent agreed to hold \$25,000.00 in escrow for a client but misappropriated the funds.

Respondent also failed to answer five Requests for Investigation. Respondent's conduct was found to be in violation of MCR 9.104(1-4,6,7); MCR 9.103(C); MCR 9.113(A); MCR 9.113(B)(2); MCR 9.115(D); and Canons 1, 2, 6, 7 and 9 of the Code of Professional Responsibility, DR 1-102(A)(1,3-6); DR 2-110(A)(3); DR 6-101(A)(3); DR 7-101(A)(1-3); DR 9-102(A); and DR 9-102(B)(3,4). Costs were assessed in the amount of \$215.84.