

NOTICE OF REVOCATION AND RESTITUTION

Case No. 99-108-GA

Issued: January 21, 2000

John M. Hoffman, P-15042, Holland, Michigan by the Attorney Discipline Board
Kent County Hearing Panel #3.

- 1) Revocation;
- 2) Effective January 19, 2000.

The respondent failed to answer the formal complaints and failed to appear before the hearing panel. Based upon respondent's default, the hearing panel found that the misconduct alleged in the complaint had been established, to wit: that respondent failed to file a brief on appeal, resulting in the dismissal of the appeal; failed to advise his client that he had not filed a brief and that the appeal had been dismissed; failed to send a draft of the brief to his client although he had told his client that he would do so, failed to respond to the inquiries from his client; represented to his client that an appeal was pending even though he knew the that such claim was false at the time it was made; failed to refund any portion of the unearned fees; failed to provide diligent representation and delayed for several months in releasing his client file to successor counsel. Respondent's conduct was deemed to be in violation of MCR 9.104(1)-(4) and (7); MCR 9.113(A); MCR 9.113(B)(2) and Michigan Rules of Professional Conduct 1.1(a)-(c); 1.3; 1.4; 1.5(a); 1.16(d); 3.2; 3.4(c); 8.1(b) and 8.4(a)-(c).

The hearing panel considered the nature of respondent's misconduct, his failure to participate in the proceedings and his prior discipline, which included a reprimand and four suspensions, in arriving at its decision to order a revocation of respondent's license. Respondent was ordered to make restitution to the complainants in the amount of \$42,000.00. The hearing panel dismissed Formal Complaint 99-135-FA without prejudice. Costs were assessed in the amount of \$311.41.