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NOTICE OF SUSPENSION AND RESTITUTION WITH CONDITIONS

Case No. 21-11-GA

Notice Issued: November 30, 2021

Russell D. Brown, P 60583, Plymouth, Michigan, by the Attorney Discipline Board Washtenaw County Hearing Panel #5.

Suspension - One Year, Effective November 20, 2021

After proceedings conducted pursuant to MCR 9.115, the panel found, by default, that respondent committed professional misconduct as charged in a four-count formal complaint. Specifically with regard to Counts One and Three the panel found that respondent neglected two client matters; failed to keep the clients informed as to the status of their matters; did not provide either client with any invoices or any explanation as to how the funds they paid respondent were earned; nor did he return any of the unearned portion of the funds each client paid. With regard to Count Two, the panel found that respondent failed to timely respond to a request for investigation filed against him by the client referenced in Count One of the formal complaint. With regard to Count Four, the panel found that respondent failed to deposit into his IOLTA account, a \$10,000 advance fee paid to him by the client referenced in Count Three of the formal complaint.

Based on respondent's default, the panel found that, as to Counts One and Three, respondent neglected legal matters entrusted to him, in violation of MRPC 1.1(c); failed to seek the lawful objectives of his clients through reasonably available means permitted by law, in violation of MRPC 1.2(a); acted without reasonable diligence and promptness, in violation of MRPC 1.3; failed to keep a client reasonably informed about the status of a matter and failed to comply promptly with reasonable requests for information, in violation of MRPC 1.4(a) [Count One only]; failed to explain a matter to the extent reasonably necessary to permit the client to make informed decisions, in violation of MRPC 1.4(b) [Count One only]; failed to take reasonable steps to protect his clients' interests upon termination of representation, including a failure to refund any advance payment of fees that had not been earned, in violation of MRPC 1.16(d); engaged in conduct that was prejudicial to the administration of justice, in violation of MRPC 8.4(c) and MCR 9.104(1); engaged in conduct that exposed the legal profession or the courts to obloquy, contempt, censure, or reproach, in violation of MCR 9.104(2); and engaged in conduct that was contrary to justice, ethics, honesty, or good morals, in violation of MCR 9.104(3).

As to Count Two, the panel found that respondent failed to timely answer a request for investigation and other inquiries made by the Attorney Grievance Commission, in violation of MCR 9.104(7), MCR 9.113(A), and MCR 9.113(B)(2); and engaged in conduct that was prejudicial to the administration of justice, in violation of MRPC 8.4(c) and MCR 9.104(1).

As to Count Four, the panel found that respondent commingled and misappropriated client funds, in violation of MRPC 1.15(b)(3) and MRPC 1.15(d); and failed to safeguard client funds in an IOLTA, in violation of MRPC 1.15(d).

The panel ordered that respondent's license to practice law be suspended for a period of one year, that he pay restitution in the total amount of \$15,000.00, and that he be subject to conditions relevant to the established misconduct. Costs were assessed in the amount of \$2,146.45.