

NOTICE OF ORDER IMPOSING NO DISCIPLINE

Case No. 97-206-GA

Notice Issued: January 10, 2001

William A. Gold, P-41230, Beverly Hills, Michigan, by the Attorney Discipline Board, affirming an order imposing "No Discipline" by Tri-County Hearing Panel #73.

1. Order Imposing "No Discipline"
2. Effective December 27, 2000.

Respondent failed to answer Formal Complaint 97-206-GA which included a count that he failed to file an answer to a client's request for investigation. A supplemental complaint, Case Number 97-232-FA, alleged that failure to answer the first complaint constituted separate grounds for discipline. Respondent appeared personally at the scheduled hearing and testified to the hearing panel that he had not received the request for investigation or the complaints and had no knowledge of the proceedings until he received a telephone call from the Attorney Discipline Board reminding him of the panel hearing the following day. The panel set aside respondent's default. Based upon the evidence presented, the panel concluded that the charges of misconduct had not been established with the exception of the count which charged that respondent failed to answer the request for investigation. The panel found that respondent had changed careers and closed his law office in October 1996. The panel found that the temporary secretarial service which he hired to assist in closing his office inadvertently sent a change of address notice to the State Bar of Michigan which contained an incorrect city in the new address. The panel specifically found that respondent had no personal knowledge of the discipline proceeding until a telephone call the day before the panel hearing. The panel found that respondent was ultimately responsible for seeing that his correct address was provided to the State Bar of Michigan and that he was therefore responsible for failing to answer the request for investigation which the Grievance Administrator mailed to that address. The panel further found that respondent acted immediately and responsibly upon receiving notice of the proceedings and concluded that while the failure to answer the request for investigation constituted misconduct under MCR 9.103(C); MCR 9.104(1)-(4) and (7); MCR 9.113(A); MCR 9.113(B)(2); and Michigan Rules of Professional Conduct 8.1(b); and 8.4(a) and (c), the imposition of discipline would not be appropriate under the circumstances.

Upon review of the Grievance Administrator's petition for review, the Attorney Discipline Board unanimously affirmed the hearing panel's decision. The Grievance Administrator filed a delayed application for leave to appeal to the Supreme Court on the grounds that the hearing panel and the Board erred in imposing "no discipline." The Supreme Court denied the delayed application for leave to appeal on December 27, 2000.