

## NOTICE OF REVOCATION AND RESTITUTION

Case Nos. 98-181-GA; 98-206-FA; 98-213-GA; 98-225-FA

Martin J. Smith, P-20690, Ann Arbor, Michigan, by Attorney Discipline Board Washtenaw County Hearing Panel #4.

- 1) Revocation;<sup>1</sup>
- 2) Effective March 11, 1999.

The first complainant retained respondent, and paid him \$1,500, to represent her in a child custody and support dispute. The panel found, by default, that respondent neglected the matter; failed to return the unearned fee; and failed to answer the Request for Investigation.

The second complainant retained respondent, and paid him \$3,500, to pursue a collection action on his behalf. The panel found that respondent neglected the matter; failed to return the unearned fee; and failed to answer the Request for Investigation.

The third complainant retained respondent to represent him as the personal representative of two decedents' estates. The panel found that respondent neglected the matters; undertook the representation without the necessary competence to handle the probate matters; and failed to answer the Request for Investigation.

The fourth complainant retained respondent to appeal a divorce judgment, to initiate a lawsuit against her former attorney, and to handle certain post-divorce legal matters. The panel found that respondent neglected and abandoned the matters; failed to return the unearned \$1,350 fee; and failed to answer the Request for Investigation.

Respondent also failed to answer the Formal Complaints and failed to appear at the disciplinary hearing. The panel concluded that respondent's conduct violated MCR 9.103(C); MCR 9.104(1)-(4) and (7); MCR 9.113(A) and (B)(2); and Michigan Rules of Professional Conduct 1.1(a)-(c); 1.2(a); 1.3; 1.4; 1.5(a); 1.15(b); 1.16(d); 3.2; 8.1(b); and 8.4(a) and (c). The panel ordered that respondent's license to practice law be revoked and that he make restitution in the total amount of \$6,350. Costs were assessed in the amount of \$360.35.

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<sup>1</sup> Respondent was also suspended from the practice of law for failure to pay his annual dues to the State Bar of Michigan, effective February 9, 1999.