

NOTICE OF SUSPENSION AND RESTITUTION

Case Nos. 97-140-GA; 97-164-FA; 97-179-GA; 97-199-FA

Mark A. Smith, P-35178, Dearborn, Michigan, by Attorney Discipline Board Tri-County Hearing Panel #12.

- 1) Suspension - Three (3) Years;
- 2) Effective October 18, 1997.

Respondent was retained to represent the first complainant in a civil matter. The panel found, by default, that respondent neglected and abandoned the matter; knowingly made false statements in his answer to the Request for Investigation and to the Attorney Grievance Commission staff; and failed to answer the Formal Complaint.

Respondent was retained to represent the personal representative of a decedent's estate. The panel found, by default, that respondent neglected and abandoned the matter; failed to return the unearned fee or the client file; failed to answer the Request for Investigation; and failed to answer the Formal Complaint.

Respondent's conduct was found to be in violation of MCR 9.103(C); MCR 9.104(1)-(4), (6) and (7); and Michigan Rules of Professional Conduct 1.1(a) and (c); 1.2(a); 1.3; 1.4; 1.5(a); 1.15(b); 1.16(a) and (d); 3.2; 8.1; and 8.4(a)-(c).

The panel ordered that respondent be suspended from the practice of law in Michigan for three years, make restitution in the amount of \$1472.00, and return all client files in his possession. Costs were assessed in the amount of \$303.08.

