

NOTICE OF REVOCATION AND RESTITUTION

Case No. 95-5-GA

Martin L. Kimmel, P-26780, Ortonville, Michigan, by Attorney Discipline Board Tri-County Hearing Panel #77.

- 1) Revocation;
- 2) Effective July 29, 1995.

Respondent was appointed as co-conservator of the estate of a protected person. That person subsequently died. Respondent either admitted or pleaded no contest to allegations of misappropriation and commingling of funds in excess of \$92,350 from the decedent's estate; neglect; dishonesty, fraud and deceit; failure to disclose all facts to a tribunal; and filing with the probate court a receipt of distributive share which respondent forged, or caused to be forged.

Respondent's conduct was found to be in violation of MCR 9.104(1)-(5); Michigan Rules of Professional Conduct 1.1(a)-(c); 1.3; 1.15(a)-(c); 3.2; 3.3(a)(1),(2)and(4); and 8.4(a)-(c); and Canons One, Six and Seven of the then-applicable Code of Professional Responsibility, DR 1-102(A) (1),(5)and(6); DR 6-101((A)(1)-(3); and DR 7-101(A)(1)-(3).

The panel ordered that respondent's license to practice law be revoked and that he make restitution to the estate in the amount of \$92,350. Costs were assessed in the amount of \$716.78.