

## NOTICE OF PROBATION

Case No. 94-151-GA

Mark A. Smith, P-35178, Dearborn, Michigan, by Attorney Discipline Board Tri-County Hearing Panel #20.

- 1) Probation - two (2) years;
- 2) Effective April 16, 1994.

Respondent was retained to probate a decedent estate. Letters of Authority were issued appointing respondent's client as the independent personal representative of the estate. Respondent admitted that after he commenced the proceedings, he failed to take prompt action to sell the stock which constituted the main asset of the estate; failed to present an Inventory to the court or to pay an inventory fee; failed to seek an extension of the Letters of Authority, petition for court supervision, or file a closing statement, which resulted in the suspension of his client's powers of fiduciary; failed to seek to reinstate his client's powers of fiduciary; failed cooperate in turning over the assets of the estate to the Special Fiduciary appointed by the Court; and failed to keep in reasonable communication with his client or to respond to numerous inquiries from her regarding the matter.

Respondent's conduct was found to be in violation of MCR 9.104(1)-(4); and Michigan Rules of Professional Conduct 1.1(a)-(c); 1.3; 1.4; 3.2; and 8.4(a)and(c).

The panel placed respondent on probation for a period of two years effective April 16, 1994, the effective date of the Order of Reprimand With Conditions (By Consent) entered in Case No. 93-62-GA. [See Notice of Reprimand With Conditions (By Consent) dated April 18, 1994.] The probation lengthens the conditions of that reprimand, specifically the monitoring of respondent's law practice, from one year to two years.

Costs were assessed in the amount of \$135.09.