NOTICE OF REPRIMAND WITH CONDITIONS AND RESTITUTION

Case No. 92-279-GA

Jerold C. Smith, P33921, Detroit, Michigan, by Attorney Discipline Board Tri-County Hearing Panel #76.

1) Reprimand;
2) Effective July 7, 1993.

Respondent was retained in a driver's license restoration matter. The hearing panel found that respondent failed to serve the Petition for Restoration of Driver's License on the Michigan Secretary of State; failed to praecipe the Petition for hearing; failed to appear for a status conference, causing the case to be dismissed; failed to prosecute the Petition; and, failed to keep his client reasonably informed concerning the status of the matter.

Approximately five months after he was retained in the above matter, respondent became employed as an Associate Attorney General for the State of Michigan. The panel found that respondent failed to advise his client of his employment with the Michigan Attorney General; failed to advise his client of the potential conflict of interest; and, failed to advise his client that he could no longer represent him.

The panel also found that respondent failed to return the unearned portion of the $250 retainer fee; failed to file a timely response to the request for investigation; failed to respond to the lawful demands for information made by the Attorney Grievance Commission; and, failed to cooperate with the investigation.

Respondent's conduct was found to be in violation of MCR 9.104 (1-4); MCR 9.103(C); and the Michigan Rules of Professional Conduct, 1.1(c); 1.3; 1.4; 1.7(a)(1); 1.16(d); 3.2; 8.1(b); 8.4 (a,c). The panel imposed a reprimand with the conditions that if respondent should leave the Attorney General's Office within three years and enter private practice, he must notify the Grievance Administrator and the Attorney Discipline Board, and enroll in a continuing legal education course or law school course on professional responsibility. The panel also ordered respondent to make restitution to his former client in the amount of $125. Costs were assessed in the amount of $439.12.