

NOTICE OF REVOCATION AND RESTITUTION
(By Consent)

Case Nos. 92-88-GA; 92-116-FA

Gifford D. Smith, P20655, Menominee, Michigan and Marinette, Wisconsin, by Attorney Discipline Board Emmet County Hearing Panel #1.

- 1) Revocation;
- 2) Effective June 1, 1992.

The respondent and the Grievance Administrator filed a stipulation for consent order of revocation pursuant to MCR 9.115 (F)(5) which was approved by the hearing panel and the Attorney Grievance Commission. Respondent admitted the allegations contained in Formal Complaint 92-88-GA. Formal Complaint 92-116-FA was dismissed by stipulation.

The 41 count formal complaint contained 14 counts of neglect; 15 counts of making false statements to clients, courts and/or in his answers to requests for investigation; six counts of issuing checks dishonored for insufficient funds; one count of failure to: deposit settlement proceeds in a client trust account, notify his client of the check's receipt and promptly deliver the settlement check to his client; two counts of failure to refund unearned fees, costs and/or client property; and three counts of failure to answer requests for investigation.

Respondent's conduct was found to be in violation of MCR 8.121 (F); MCR 9.104(1-5,7); MCR 9.113(A); MCR 9.113(B)(2); the Michigan Rules of Professional Conduct, 1.1(c); 1.3; 1.4; 1.15(b); 1.16(d); 3.2; 3.3(a)(1,4); 8.1(b); 8.4(a-c); and Canons 1, 6 and 7 of the then-applicable Code of Professional Responsibility, DR 1-102(A) (1,4-6); DR 6-101(A)(3); DR 7-101(A)(1-3).

In the stipulation for consent order of revocation, respondent agreed to make restitution to ten of his clients in the total amount of \$10,701.71. Costs were assessed in the amount of \$921.36.