

NOTICE OF REPRIMAND AND RESTITUTION

Case No. 90-49-GA

Lonnie T. Smith, P23602, Detroit, Michigan, by the Attorney Discipline Board reducing a hearing panel order of suspension (ninety days) and restitution.

- 1) Reprimand;
- 2) Effective June 7, 1991.

The hearing panel found that misconduct was established by a preponderance of the evidence as to counts I(D)(ii), III and IV. Counts I (D)(i) and II were dismissed. Respondent was retained to prosecute a personal injury claim, but twice failed to advise his client that her case had been dismissed, failed to appear for a status conference and failed to timely answer the request for investigation. Respondent's conduct was found to be in violation of MCR 9.104(1,2,4,7); MCR 9.103(C); MCR 9.113 (B)(2) and the Michigan Rules of Professional Conduct, 1.1(c); 1.3; 1.4(a); 8.4(c). The hearing panel ordered that respondent's license be suspended for a period of ninety days and that he make restitution to his client in the amount of \$500.00. Costs were assessed in the amount of \$684.90.

The respondent filed a petition for review seeking a decrease in the discipline imposed. In an order dated May 16, 1991, the Attorney Discipline Board reduced discipline to a reprimand with restitution. The grievance administrator filed a motion for reconsideration seeking reinstatement of the hearing panel's order suspending respondent's license for ninety days. In an order dated July 23, 1991, the Attorney Discipline Board denied the grievance administrator's motion for reconsideration.