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STATE OF MICHIGAN

# Attorney Discipline Board



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## NOTICE OF SUSPENSION (By Consent)

ADB 62-88

John E. Smith, P 20674, 560 S. Fox Hills Drive, Bloomfield Hills, MI 48013 by Attorney Discipline Board Oakland County Hearing Panel #10.

- 1) Suspension - one year;
- 2) Effective June 1, 1988.

The hearing panel accepted a stipulation for consent order of discipline submitted by the Respondent and the Grievance Administrator in accordance with MCR 9.115(F)(5). Respondent offered his plea of nolo contendere to charges that his neglect of a personal injury matter for which he was retained in December 1986 resulted in the loss of his client's cause of action; that from 1976 until 1985, Respondent made continual misrepresentations to his client that a complaint had been filed on her behalf; that from October 1979 until December 1983 Respondent made payments of approximately \$15,000 to his client, falsely representing them to be advances against an anticipated settlement of her lawsuit; that Respondent subsequently delivered to his client a series of checks totaling \$80,000 which were falsely represented to be payments on a settlement of the lawsuit. The checks were drawn on closed accounts and Respondent instructed his client not to negotiate the checks; that Respondent failed to honor the terms of a settlement agreement entered into with his client following his client's discovery that no lawsuit had been filed; and that Respondent failed to comply with an order of discipline in a prior disciplinary matter in which he was placed on probation for a period of two years effective May 31, 1984. Respondent's conduct was alleged to be in violation of MCR 9.104(1-4,8) and Canons 1, 2, 3, 6 and 7 of the Code of Professional Responsibility, DR 1-102(A)(1,3-6); DR 2-106(A); DR 3-101(B); DR 6-101(A)(3) and DR 7-101(A)(1-3).

In accordance with the stipulation, Respondent is suspended from the practice of law for one year with the further condition that he make restitution to the complainant in the amount of \$6,500 with interest at seven percent per year and that he reaffirm certain debts to clients as provided in the prior order of probation. Costs in this matter were assessed in the amount of \$ 114.95 .

  
John F. Van Bolt

Dated: SEP 16 1988