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STATE OF MICHIGAN

Attorney Discipline Board



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NOTICE OF REVOCATION

ADB 171-87; 197-87

Mary E. Gerisch, P 30951, 20 S. Bishop, Greenwich, CT 06830 by the Attorney Discipline Board increasing a suspension of three years imposed by Wayne County Hearing Panel #15.

- 1) Revocation;
- 2) Effective February 18, 1988.

The Respondent failed to answer the Formal Complaint and failed to appear at the hearing on November 16, 1987. Based upon her default and an examination of the documents submitted by the Grievance Administrator, the hearing panel concluded that Respondent falsely advised a client that a settlement had been reached in the client's favor in a civil case and she provided the client with a copy of the purported settlement check. Respondent knew that no settlement had been reached and that the copy of the settlement check was a forgery. Respondent's own check to her client, allegedly representing the settlement amount less attorney fees and costs, was dishonored for insufficient funds. Respondent's conduct was found to be in violation of MCR 9.104(1-4) and Canons 1, 6 and 7 of the Code of Professional Responsibility, DR 1-102(A)(5); DR 6-101(A) and DR 7-101(A)(1-3).

Upon consideration of a Petition or Review filed on behalf of the Grievance Administrator, the Board increased discipline to a revocation of Respondent's license the majority (Board members Green, Gurwin, Vincent and Zegouras) noted that our legal system depends on the assumption that lawyers, as officers of the court, are telling the truth when they make statements about the cases they are handling and an attorney who creates forged pleadings or documents not only destroys the trust of the client but does incalculable harm to the legal system. Board member Patrick Keating would affirm the hearing panel suspension of three years on the grounds that the entry of a default for failure to answer a formal complaint does not, in and of itself, establish the truth of the misconduct alleged in the complaint. Board chairperson Robert Harrison would affirm the suspension of three years for the reason that he is not persuaded that the decision of the hearing panel was erroneous. Costs in these proceedings were assessed in the amount of \$163.28.


John F. VanBolt

Dated: MAY 20 1988