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Attorney Discipline Board



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NOTICE OF REPRIMAND

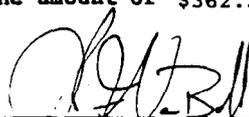
File Nos. DP 133/85; DP 157/85

Marvin R. Smith, P 31393, 485 Orchard Lake Road, Pontiac, MI. 48053 by Attorney Discipline Board Oakland County Hearing Panel #10.

- 1) Reprimand;
- 2) Effective June 26, 1986.

The Respondent was appointed in February 1984 to file an appeal on behalf of a defendant convicted of a criminal offense in Oakland County. The Respondent filed a Motion for New Trial in April 1984 but did not file a brief in support of the motion. The Respondent filed no objections to the prosecutor's Motion to Affirm the Conviction and the trial court affirmed the conviction in December 1984. In January 1985, the Respondent filed an Application for Delayed Appeal on his client's behalf but, despite correspondence from the Court of Appeal advising him that the delayed appeal was deficient, took no further action until a substitution of attorneys was ordered by the trial court in July 1985. The Respondent failed to answer a Request for Investigation filed with the Attorney Grievance Commission by the defendant/client.

The Formal Complaint filed by the Grievance Administrator alleged that the foregoing constituted professional misconduct in violation of MCR 9.104(1)(2)(4)(7), MCR 9.113(A) and Canons 1, 6, & 7 of the Code of Professional Responsibility to wit: DR 1-102(A)(1)(5)(6), DR 6-101(A)(1-3) and DR 7-101(A)(1-3). The Respondent did not file an answer to the Complaint and did not file an Affidavit of Meritorious Defense with his subsequent Motion to Set Aside the Default entered against him. The Hearing Panel concluded that the allegations of misconduct were established by the entry of a Default. A second Complaint consolidated for hearing was dismissed. Costs were assessed in the amount of \$362.23.


John F. VanBolt

Dated: JUN 27 1986