

Attorney Discipline Board



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GENERAL COUNSEL

SUITE 1260
333 W. FORT STREET
DETROIT, MICHIGAN 48226
TELEPHONE: (313) 963-5553

This is to inform the Courts in the State of Michigan of the following Order of Discipline:

NOTICE OF REPRIMAND


File No. DP-132/80

C. MICHAEL GORTE, (P14213), 1010-1/2 North Niagara Street, Suite A, Saginaw, Michigan 48602, by the Attorney Discipline Board affirming the decision of the Hearing Panel pursuant to appeal of the panel decision by the Grievance Administrator.

- (1) Reprimand;
- (2) Effective July 28, 1981.

The Hearing Panel found that Respondent received a settlement check or draft in the amount of \$3,307.00 naming his client as Payee, that Respondent signed the name of his client on the instrument and also endorsed it with his own signature, that Respondent deposited said instrument in his Trust Account on December 21, 1979, that Respondent did not maintain a complete account of withdrawals and balances concerning the Trust Account, that Respondent was not authorized to endorse the instrument nor did the client consent. However, the Panel further found that the evidence was not sufficient to conclude commingling or conversion, that Respondent did issue a check drawn upon his Trust Account made payable to the client in the amount of \$3,307.00 and mailed the same on December 28, 1979. The Panel concluded that Respondent's failure to maintain complete records of his Trust Account constituted a violation of the Code of Professional Responsibility, Canon 9 DR9-102, (B) (3), and assessed costs in the amount of \$874.50.

The Panel noted the following: no prior history of discipline during the period of nine (9) years in private practice; although Respondent exercised inappropriate judgement in endorsing the instrument, such action was undertaken with concern for Christmas mail congestion and the closing of his office for the holiday season; Respondent added his own signature to the instrument; Respondent promptly deposited the client's funds in his Trust Account; Respondent issued a check to the client at the earliest practicable date under the circumstances; Respondent's check to the client was promptly honored upon presentation.

800-132

DAVID BAKER LEWIS, Secretary
ATTORNEY DISCIPLINE BOARD