

Attorney Discipline Board



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

NOTICE OF REPRIMAND

File No. 36292-A

ROBERT E. HELM, (P14855), 110 City Hall, Saginaw, Michigan 48601, by the Attorney Discipline Board.

- (1) Reprimand;
- (2) Effective August 7, 1980.

Findings: That Respondent obtained a property damage settlement acceptable to the client in the amount of \$2,500 with an agreed upon fee of \$500, plus certain costs, that Respondent had caused the signature of his client to be placed upon the settlement check without the client's knowledge, permission or agreement, that the entire proceeds of said settlement were garnished by a judgment creditor of the client, that Respondent negotiated with said creditor for discharge of the debt in the amount of 1/2 of the garnished settlement funds, and retained \$500 for fees as agreed, and an additional \$371 not approved by client, for services rendered regarding the garnishment and costs.

The Panel found that Respondent, by having the signature of his client placed upon the settlement check payable jointly to him and his client, without the client's permission, knowledge or agreement, was in violation of Canon 1 of the Code of Professional Responsibility, DR 1-102(A)(4) and GCR 953(2)(3) and (4), and that Respondent failed to make diligent and sufficient inquiry as to the whereabouts of his client. Failure to promptly pay over to said client the monies due was deemed to be in violation of DR 9-102(B)(1)(4). The Panel noted Respondent's previously unblemished record.

On review, the Attorney Discipline Board stated in its opinion ". . . [Respondent] . . . had made a good faith effort to protect the client's fund . . . testimony established his moral character and professional ability. We hold that the . . . lack of harm to Complainant,

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and Respondent's lack of intent to defraud, deceive or unlawfully profit, mitigates the gravity of Respondent's technical misconduct . . . we do not, however, condone Respondent's action, which was 'unprofessional and constituted both faulty practice and bad form'".

Respondent's application for leave to appeal the reprimand to the Supreme Court was denied on May 5, 1981.



David Baker Lewis, Secretary
ATTORNEY DISCIPLINE BOARD

Date of Issuance: May 29, 1981