

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 SUSPENSION

File No. 36779-A

Related No. 36294, 36326, 36618

BOOKER T. GAULDEN (P13878), 1858 Linden, East Lansing, MI 48823, by Order of the Michigan Supreme Court denying leave to appeal. The Attorney Discipline Board denied Respondent's claim of appeal and motion for stay of the Order of Suspension rendered by Attorney Discipline Board Genessee Circuit Hearing Panel.

- (1) Suspension;
- (2) For a period of 2 years;
- (3) Effective April 28, 1980.

The four count Formal Complaint charged: That Respondent violated a previous Order of Disciplinary Suspension in failing, neglecting and refusing to pay costs assessed in said disciplinary matter in the amount of \$610.48, that Respondent failed to notify his clients of said Suspension, as required by GCR 968, that in further violation of said Order of Suspension from the practice of law, Respondent continued to maintain an office from which he engaged in the practice of law by various acts, including acceptance of a retainer fee, appearance and representation of clients in Circuit and District Courts, and preparation, execution and delivery (or the causing of same) of a letter bearing his name and designation as Attorney at Law, in violation of DR 1-102, DR 3-101, and GCR 953. A fourth count in the Complaint charges that Respondent advised a client to deposit proceeds from a personal injury settlement in a trust account in order to avoid disclosing such assets to State Welfare authorities, thereby avoiding the possible discontinuance of ADC benefits, and further that Respondent induced said client and other parties

to invest substantial funds in a business enterprise, and that Respondent withdrew several thousand dollars from the client trust account in order to pay the expenses of said business venture, without the approval or consent of the client, that Respondent has failed, neglected and refused to account for said sums, and commingled and converted them to his own use, in the amount of \$5,768.63, and that Respondent otherwise breached a fiduciary duty to said parties in violation of DR 1-102, DR 5-104, DR 9-102, and GCR 953. At the hearing, Counsel for the Grievance Administrator moved to dismiss portions of the Complaint alleging maintenance of a law office during suspension, acceptance of a retainer fee for a criminal matter, issuance of a letter bearing Respondent's designation as an attorney, and appearance in the 65th District Court during disciplinary suspension. The Hearing Panel found misconduct based upon all allegations in the amended Formal Complaint, with aforementioned subsections dismissed therefrom, in violation of DR 1-102, DR 5-104, DR 9-102, and MGCR 953. Respondent was assessed costs in the amount of \$213.50. Respondent had moved the Discipline Board to set aside a default in the matter; said motion was denied, as was Respondent's petition for review by the Board. Respondent applied for leave to appeal to the Supreme Court, and requested a stay of discipline pending decision on the application for leave to appeal. The Michigan Supreme Court, in a single order, denied leave to appeal and denied the stay of discipline; therefore, suspension rendered by the Panel became effective April 28, 1980.

David Baker Lewis

David Baker Lewis, Secretary
ATTORNEY DISCIPLINE BOARD

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