

Attorney Discipline Board



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

ORDER OF DISBARMENT

35733-A

ROGER E. GARDNER (P13845), 35214 Caryn, Farmington Hills, Michigan 48018, by Oakland County Hearing Panel #5, effective March 6, 1979. The decision of the Panel was not appealed to the Discipline Board.

Respondent was charged with four separate counts of misconduct including allegations of: neglect of civil litigation resulting in a default judgment against a client who had prepaid attorney's fees, negotiation of a loan of substantial funds by fraudulent misrepresentations and issuance of three checks against accounts not bearing sufficient funds; failure to carry out a contract of employment, neglect of said matter, engaging in the unauthorized practice of law while under an Order of Suspension of the former State Bar Grievance Board; failure to institute a civil suit for which Respondent received a retainer fee, and the making of false representations regarding the progress of said suit; and, failure to respond to the Grievance Administrator's Request for Investigation relative to the aforementioned misconduct.

Regarding Count II of the Complaint, the panel did not find a violation of disciplinary rules prohibiting conduct of moral turpitude, dishonesty, fraud, deceit, misrepresentation or conduct in violation of GCR 953 (1-4), but did find that Respondent had failed to answer the Request for Investigation. Count III, involving issuance of one check without sufficient funds, engaging in the practice of law under an Order of Suspension and neglect of one legal matter, was dismissed due to the failure of the original complaining witness to appear.

Regarding Count I, the panel found violations of GCR 953. (1) (2) (3) (4) and (7), Canon 1, DR 1-102 (A) (1) (4) (5) and (6), Canon 6 DR 6-101 (A) (2) and (3), Canon 7, DR 7-101 (A) (1) (2), and GCR 962.2 (b). Regarding Count IV, the panel found violations of Canon 1, DR 1-102 (A) (3) (4) (5) and (6), Canon 6, DR 6-101 (A) (3), Canon 7, DR 7-101 (A) (1) (2), GCR 953 (1-4), (7), and GCR 962.2 (b).

David Baker Lewis

David Baker Lewis, Secretary
 Attorney Discipline Board