

NOTICE OF 179-DAY SUSPENSION WITH CONDITIONS

(By Consent)

Case Nos. 24-51-JC; 24-52-GA

Notice Issued: September 30, 2024

Gerard J. Garno, P 62106, Washington, Michigan

Suspension - 179 Days, Effective September 24, 2024

Respondent and the Grievance Administrator filed a Stipulation for Consent Order of 179-Day Suspension With Conditions, which was approved by the Attorney Grievance Commission and accepted by Tri-County Hearing Panel #10. The stipulation contained respondent's admission that he was convicted of criminal contempt on September 14, 2022 (failure to appear), October 28, 2022 (failure to appear and failure to pay child and/or spousal support), and December 6, 2022 (failure to pay child and/or spousal support and inappropriate behavior in court toward another court participant), all arising out of his conduct during and after his divorce proceedings. See *In the Matter of Gerard Garno (Laura Grigg Garno v Gerard J. Garno)*, 31st Circuit Court, Case No. 19-000719-DZ, and that he commingled his personal and/or business funds with client funds, and improperly paid business and/or personal expenses out of his IOLTA. The stipulation further contained respondent's admissions to the remaining factual allegations and allegations of professional misconduct as set forth in the formal complaint and the parties' agreement that paragraphs 209(d), (f), (h), and (o) of the formal complaint would be dismissed.

Based on respondent's admissions and the parties' stipulation, the panel found that respondent represented a client where the representation of that client was materially limited by the lawyer's responsibilities to another client or to a third person, or by the lawyer's own interests, where the lawyer did not reasonably believe the representation would not be adversely affected or where the client did not consent after consultation, in violation of MRPC 1.7(b) [Count One]; failed to safeguard client property, in violation of MRPC 1.15 [Count Two]; failed to hold property of clients or third persons in connection with a representation separate from his own property, in violation of MRPC 1.15(d) [Count Two]; brought or defended a proceeding, or asserted or controverted an issue therein, without a basis for doing so that is non-frivolous, in violation of MRPC 3.1 [Count One]; failed to make reasonable efforts to expedite litigation consistent with the interests of the client, in violation of MRPC 3.2 [Count One]; failed to disclose to a tribunal controlling legal authority in the jurisdiction known to the lawyer to be directly adverse to the position of the client and not disclosed by opposing counsel, in violation of MRPC 3.3(a)(2) [Count One]; unlawfully obstructed another party's access to evidence, unlawfully altered, destroyed, or concealed a document or other material having potential evidentiary value,

or counseled or assisted another person to do any such act, in violation of MRPC 3.4(a) [Count One]; knowingly disobeyed an obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists, in violation of MRPC 3.4(c) [Count One]; in pretrial procedure, made a frivolous discovery request and/or failed to make reasonably diligent efforts to comply with a legally proper discovery request by an opposing party, in violation of MRPC 3.4(d) [Count One]; during trial, alluded to matters that he did not reasonably believe were relevant or that were not supported by admissible evidence, asserted personal knowledge of facts in issue when not testifying as a witness, and/or stated a personal opinion as to the justness of a cause, the credibility of a witness, the culpability of a civil litigant, or the guilt or innocence of an accused, in violation of MRPC 3.4(e) [Count One]; requested that a person other than a client refrain from voluntarily giving relevant information to another party where (1) the person was not an employee or other agent of a client for purposes of MRE 801(d)(2)(D) or (2) the lawyer did not reasonably believe that the person's interests would not be adversely affected by refraining from giving such information, in violation of MRPC 3.4(f) [Count One]; engaged in undignified or discourteous conduct toward a tribunal, in violation of MRPC 3.5(d) [Count One]; failed to treat with courtesy and respect all persons involved in the legal process, in violation of MRPC 6.5(a) [Count One]; engaged in conduct prejudicial to the administration of justice, in violation of MCR 9.104(1) and MRPC 8.4(c) [Counts One and Two]; engaged in conduct that exposed the legal profession or the courts to obloquy, contempt, censure, or reproach, in violation of MCR 9.104(2) [Counts One and Two]; engaged in conduct that is contrary to justice, ethics, honesty, or good morals, in violation of MCR 9.104(3) [Counts One and Two]; engaged in conduct that violated a criminal law of a state or of the United States, an ordinance, or tribal law pursuant to MCR 2.615, in violation of MCR 9.104(5) [Count One]; and failed to report a criminal conviction to the Grievance Administrator and the Attorney Discipline Board in writing within 14 days after the conviction, in violation of MCR 9.120(A)(1) [Count One].

In accordance with the stipulation of the parties, the hearing panel ordered that respondent's license to practice law in Michigan be suspended for 179 days, effective immediately, September 24, 2024, as agreed to by the parties. The panel also ordered that respondent be subject to conditions relevant to the established misconduct. Total costs were assessed in the amount of \$2,130.80.