

IN THE MATTER OF ERIC E. ZISMAN,
A Member of the State Bar of Michigan,
Respondent.
No. DP-66/80
No. DP-25/80

Decided: March 18, 1981

OPINION OF THE BOARD

Remembering that its primary duty is the protection of the public, the courts, and the Bar, the Board is constrained to increase the discipline to disbarment. It is not necessary to repeat the litany of offenses enumerated by Grievance Counsel in detail, Br. tr. at 6, which illustrates repeated contempt for the standards promulgated by the Supreme Court and its disciplinary processes.

The Oakland County Hearing Panel "T" suspended Respondent for three years. In In re Clark, No. 34141-A (Mich. St. 8. Grievance Bd. 1976) (per curiam), the Board was also faced with a Respondent who committed many acts of serious misconduct, ranging from conversion of funds to charging excessive fees. In increasing his discipline from a three year suspension to disbarment, the Board noted,

By his acts Respondent denotes a gross want of fealty to the law and a flagrant disregard of the duties of honesty, fidelity, candor, and fairness which, as a lawyer, he owed to his clients.

We conclude, therefore, that the order of the panel is not sufficient to insulate our judicial system and the consumer of legal services from Respondent's willful disobedience of fundamental principles or . . . professional morality.

The same remarks are equally applicable to the present case. Respondent has "[deceived the courts and the hearing panel] . . . has committed forgery, [has been] found in violation of the Order of Suspension [and of the] order of the Wayne County Circuit Court, [has been] found in contempt and for the protection of the public [for] which this Board is created . . . and for which this whole disciplinary [process] is set up," Respondent must be disbarred. Bd. tr. at 6.

Respondent did not appear at the Board review hearing, and sent no verifiable reason for his absence. His conduct to date has made it clear that he has no intention of adhering to disciplinary sanctions imposed by this Board or its hearing panels. While under a one year suspension beginning in September 1978, Respondent practiced law both in Detroit Recorder's Court and the U. S. District Court, and failed to notify his clients of the suspension as required. He continued to maintain an office for law practice and to hold himself out as an attorney. He failed to answer the Request for Investigation in the Present case. Respondent filed a bankruptcy petition under the name of another attorney to hide the fact of his unauthorized practice, forged the name of the other attorney in endorsing a check, and instructed a client to make misleading statements to a judge. Before the hearing panel, Respondent testified falsely about these matters. Panel tr. at 74-116. As in Clark, "[t]hat he dissembled upon exposure aggravates the otherwise grim allegations."

The findings of the hearing panel are affirmed; however, the discipline is increased to revocation of license.

AFFIRMED AS MODIFIED.