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NOTICE OF REPRIMAND
(By Consent)

Case No. 16-60-GA

Notice Issued: August 31, 2016

Joseph C. Bird, P 33178, Birmingham, Michigan, by the Attorney Discipline Board Tri-County Hearing Panel #64.

1. Reprimand
2. Effective August 31, 2016

The respondent and the Grievance Administrator filed a stipulation for a consent order of discipline, in accordance with MCR 9.115(F)(5), which was approved by the Attorney Grievance Commission and accepted by the hearing panel. The stipulation contains respondent's admissions to the allegations contained in the formal complaint that respondent committed professional misconduct as the result of his improper use of an IOLTA account from February 2014 through August 2014; and by placing settlement funds into a business account instead of an IOLTA account.

Based upon respondent's admissions and the stipulation of the parties, the panel found that respondent held funds other than client or third person funds in an IOLTA account, in violation of MRPC 1.15(a)(3); failed to deposit all client or third-person funds in an IOLTA account or non-IOLTA account and failed to hold property of his clients or third persons separate from his own, in violation of MRPC 1.15(d); and deposited his own funds into an IOLTA account in excess of the amount reasonably necessary to pay financial institution service charges or fees or to obtain a waiver of service charges or fees, in violation of MRPC 1.15(f). Respondent was also found to have violated MCR 9.104(2)-(4) and MRPC 8.4(a). In finding misconduct, the panel acknowledges paragraph eight of the stipulation for a consent order of discipline, which states that "there is no evidence of misappropriation or misuse of client funds."

In accordance with the stipulation of the parties, the hearing panel ordered that respondent be reprimanded and subject to conditions relevant to the established misconduct. Costs were assessed in the amount of \$811.51.

Mark A. Armitage

Dated: August 31, 2016