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211 WEST FORT ST.
SUITE 1410
DETROIT, MICHIGAN 48226-3236
PHONE: 313-963-5553
FAX: 313-963-5571

WWW.ADBMICH.ORG

NOTICE OF SUSPENSION WITH CONDITION
(By Consent)

Case No. 10-69-GA

Notice Issued: August 17, 2011

David Scott DeIBoccio, P 64042, Doha, Doha, Qatar, by the Attorney Discipline Board Tri-County Hearing Panel #28.

1. Suspension - One Year
2. Effective August 16, 2011

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. Respondent admitted that he failed to promptly pay or deliver funds that a third person was entitled to receive; and knowingly disobeyed an obligation under the rules of a tribunal.

Respondent's conduct was in violation of MCR 9.104(A)(1) and (2); and Michigan Rules of Professional Conduct 1.15(b)(3); 3.4; and 8.4(a) and (c).

Based upon the stipulation of the parties, the hearing panel ordered that respondent's license to practice law in Michigan be suspended for one year. Additionally, the panel ordered that respondent be subject to a condition relevant to the admitted misconduct and assessed costs in the amount of \$810.31.



John F. Van Bolt

Dated: _____

AUG 17 2011

STATE OF MICHIGAN

Attorney Discipline Board

GRIEVANCE ADMINISTRATOR,
Attorney Grievance Commission,

Petitioner,

v

Case No. 10-69-GA

DAVID SCOTT DELBOCCIO, P 64042,

Respondent.

FILED
ATTORNEY DISCIPLINE BOARD
11 JUL 25 PM 2:36

REPORT OF TRI-COUNTY HEARING PANEL #28

PRESENT: Alan M. Gershel, Chairperson
Lambro Niforos, Member
Avery K. Williams, Member

APPEARANCES: Wendy A. Neeley, Senior Associate Counsel,
for the Attorney Grievance Commission

Philip J. Thomas,
for the Respondent

I. PANEL PROCEEDINGS

On June 23, 2010, the Grievance Administrator filed Formal Complaint 10-69-GA, alleging that respondent committed professional misconduct by failing to promptly pay or deliver funds that a third person is entitled to receive; knowingly disobeying an obligation under the rules of a tribunal; failing to answer a request for investigation; knowingly failing to respond to a lawful demand for information from a disciplinary authority; engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation, where such conduct reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer; engaging in conduct prejudicial to the proper administration of justice; engaging in conduct that exposes the legal profession or the courts to obloquy, contempt, censure, or reproach; engaging in conduct that is contrary to justice, ethics, honesty or good morals; violating or attempting to violate the Rules of Professional Conduct; and engaging in conduct that violates the standards or rules of professional responsibility adopted by the Supreme Court.

On June 14, 2011, the parties submitted a stipulation for a consent order of discipline pursuant to MCR 9.115(F)(5). The stipulation contains respondent's admission of the allegations that he failed to promptly pay or deliver funds that a third person is entitled to receive; knowingly disobeyed an obligation under the rules of a tribunal; engaged in conduct prejudicial to the proper administration of justice; engaged in conduct that exposes the legal profession or the courts to

obloquy, contempt, censure, or reproach; and violated or attempted to violate the Rules of Professional Conduct.

The parties agreed that the remaining allegations in Count One and all of Count Two be dismissed with prejudice and that respondent's license to practice law in Michigan be suspended for one year with the condition that respondent attend the Tips and Tools seminar offered by the State Bar of Michigan prior to being reinstated to the practice of law.

The hearing panel has considered the stipulation and has concluded that it is reasonable and is consistent with the goals of these discipline proceedings.

II. FINDINGS AND CONCLUSIONS REGARDING MISCONDUCT

Based on respondent's admissions, the panel finds that respondent committed professional misconduct in violation of MCR 9.104(A)(1) and (2); and Michigan Rules of Professional Conduct 1.15(B)(3); 3.4; and 8.4(a) and (c).

III. REPORT ON DISCIPLINE

The stipulation for consent discipline contains the parties' assertion that a suspension is the appropriate discipline to be imposed under ABA Standard 4.12, which states:

Suspension is generally appropriate when a lawyer knows or should know that he is dealing improperly with client property and causes injury or potential injury to a client.

Additionally, the parties also cited ABA Standard 6.22 as applicable:

Suspension is generally appropriate when a lawyer knows that he or she is violating a court order or rule, and causes injury or potential injury to a client or a party, or causes interference or potential interference with a legal proceeding.

Finally, the parties identified the following aggravating factors: Standard 9.22(h) - vulnerability of victim; and Standard 9.22(j) - indifference in making restitution. Relevant mitigating factors were identified as Standard 9.32(a) - absence of a prior disciplinary record; Standard 9.32(b) - absence of a dishonest or selfish motive; and Standard 9.32(l) - remorse.

The hearing panel, in accordance with the stipulation of the parties, will order that respondent's license to practice law in Michigan be suspended for a period of one year and that he be required to attend the Tips and Tools seminar offered by the State Bar of Michigan prior to being reinstated to the practice of law.

IV. SUMMARY OF PRIOR MISCONDUCT

None.

V. ITEMIZATION OF COSTS

Attorney Grievance Commission: (See Itemized Statement filed 07/07/11)	\$	48.58
Attorney Discipline Board		
Conference Call 08/23/10	\$	4.15
Conference Call 10/01/10	\$	1.99
Conference Call 11/01/10	\$	1.60
Conference Call 05/09/11	\$	3.99
Administrative Fee	\$	<u>750.00</u>
TOTAL:	\$	810.31

ATTORNEY DISCIPLINE BOARD
Tri-County Hearing Panel #28

By:



Alan M. Gershel, Chairperson

DATED: July 25, 2011