

NOTICE OF PROBATION WITH CONDITIONS
(By Consent)

Case No. 05-141-GA

Notice Issued: January 26, 2007

Frank A. Fleischmann, P 38839, Charlotte, Michigan, by the Attorney Discipline Board Ingham Count Hearing Panel #7.

1. Probation - 2 Years
2. Effective January 26, 2007

The respondent and the Grievance Administrator filed a stipulation for a consent order of discipline, in accordance with MCR 9.115(F)(5) and MCR 9.121(C), which was approved by the Attorney Grievance Commission and accepted by the hearing panel. Respondent plead no contest to the allegations that he handled a legal matter without adequate preparation in the circumstances; neglected two legal matters entrusted to him; failed to seek the lawful objectives of his clients through reasonably available means permitted by law; failed to act with reasonable diligence and promptness in representing his clients; failed to keep his clients reasonably informed about the status of their matters and comply promptly with reasonable requests for information; failed to explain the matter to the extent reasonably necessary to permit his clients to make informed decisions regarding their representation; brought a frivolous action by filing a second complaint in one matter; failed to notify a client of any settlement offers or stipulations; improperly entered into a business transaction with a client; failed to deposit and hold a client's funds paid to him into an IOLTA or separate trust account; engaged in conduct prejudicial to the administration of justice; violated or attempted to violate the Rules of Professional Conduct; engaged in conduct that exposes the legal profession or the courts to obloquy, contempt, censure, or reproach; and engaged in conduct that is contrary to justice, ethics, honesty, or good morals.

Respondent was charged with violations of Michigan Court Rule 9.104(A)(1)-(4); and Michigan Rules of Professional Conduct 1.1(b) and (c); 1.2(a); 1.3; 1.4(a) and (b); 1.8(a); 1.15(a); 3.1; and 8.4(a) and (c). The parties stipulated to the entry of an order placing respondent on probation for two years with conditions relevant to the alleged misconduct. Costs were assessed in the amount of \$776.75.