

NOTICE OF REPRIMAND WITH CONDITIONS
(By Consent)

Case No. 04-79-GA

Notice Issued: January 25, 2005

Frederick M. Toca, Jr., P 56608, Pontiac, Michigan by the Attorney Discipline Board
Tri-County Hearing Panel #76.

1. Reprimand
2. Effective January 25, 2005

The respondent and the Grievance Administrator filed a stipulation for a consent order of discipline, in accordance with MCR 9.115(F)(5), containing respondent's plea of no contest to the allegations that, in a real estate matter, he failed to appear for hearings without timely seeking adjournments from the court, causing his clients' case to be dismissed; failed to notify his clients of hearing dates or adjournments; and failed to notify his clients that the case had been dismissed.

Respondent also pled no contest to the allegations that his advertisement for legal services was materially misleading ("expert in criminal defense"); compared his services with other lawyer's services without factual substantiation ("best criminal defense in Michigan"); and implied that he can achieve results by means that violate the Rules of Professional Conduct (stated that he had a former prosecutor on staff who could provide an "inside advantage," thereby implying undue influence and improper advantage in the judicial system).

Respondent was charged with violations of MCR 9.104(A)(1)-(4); and Michigan Rules of Professional Conduct 1.1(c); 1.2(a); 1.3; 1.4(a) and (b); 3.2; 7.1(a)-(c); and 8.4(a) and (c). The parties agreed that respondent should be reprimanded and be subject to conditions relevant to the alleged misconduct. Costs were assessed in the amount of \$797.68.