

DISMISSAL

Case No. 03-61-GA

David W. Potts, P 19043, Bloomfield Hills, Michigan, by the Attorney Discipline Board affirming Tri-County Hearing Panel #63's order of dismissal.

1. Dismissal
2. Effective September 15, 2004.

The Grievance Administrator filed Formal Complaint 03-61-GA alleging that respondent committed misconduct by undertaking representation of a new client which was adverse to another client; failing to notify his new client of his representation of the first client; and failing to seek the first client's consent to the representation of the new client. Respondent's conduct was alleged to have been in violation of MCR 9.104(A)(1)-(4); and Michigan Rules of Professional Conduct 1.7(a) and (b) and 8.4(a) and (c).

Public hearings were held, including a limited evidentiary hearing. The panel was provided with numerous exhibits, recorded witness statements, and opinions of experts. On April 27, 2004, respondent filed a motion for summary disposition which was granted by the panel. On September 15, 2004, the panel issued its order dismissing Formal Complaint 03-61-GA.

The Grievance Administrator filed a timely petition for review and the Board, upon review, issued its order and opinion on September 28, 2005 affirming the hearing panel's order of dismissal. No costs were assessed against respondent.