

NOTICE OF REPRIMAND AND PROBATION WITH CONDITIONS
(By Consent)

Case No. 02-70-GA

Notice Issued: March 13, 2003

Carl C. Silver, P 26501, Alpena, Michigan, by the Attorney Discipline Board Otsego County Hearing Panel #1.

1. Reprimand;
2. Effective March 13, 2003;

3. Probation - 2 Years;
4. Effective September 3, 2002 to September 3, 2004.

The respondent and the Grievance Administrator filed a stipulation for a consent order of discipline, in accordance with MCR 9.115(F)(5), dismissing paragraphs 22(c) and (d), and containing respondent's plea of nolo contendere to withdrawing \$1,800.00 from a client trust account for attorney fees and costs before depositing proceeds from a probate real estate sale; withdrawing an additional \$810.75 from a client trust account for attorney fees which were not due and owing to him; charged and/or collected interest and an excessive fee; failed to provide his client with an accounting of the proceeds from the sale of the real estate; and failed to communicate with his client regarding the status of the real estate sale and distribution of the proceeds.

Respondent was charged with violations of MCR 9.104(A)(1)-(4); and Michigan Rules of Professional Conduct 1.4(a) and (b); 1.5(a) and (b); 1.15(a); and 8.4(a)-(c). The parties agreed that respondent should be reprimanded and placed on probation for two years, to run concurrently with the probation imposed by the Alpena Circuit Court, with conditions relevant to the established misconduct. Costs were assessed in the amount of \$311.03.