

NOTICE OF PROBATION WITH CONDITIONS
(By Consent)

Case No. 01-14-GA

Notice Issued: July 17, 2002

Donald R. McMillan, P-27421, Detroit, Michigan, by the Attorney Discipline Board Tri-County Hearing Panel #17.

1. Probation - 1 Year;
2. Effective March 9, 2002.

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 was retained in 1992 and 1993 by separate investors to represent them in cases involving claims of securities fraud. The respondent offered a plea of no contest to the allegations that, in one matter, he failed to file suit on his client's behalf and advised the client to decline a settlement offer extended by an insurer in 1992. In the other matter, respondent offered a plea of no contest to allegations that he failed to forward documents to his client in a timely manner, failed to advise his client to seek new counsel when he ceased the private practice of law in 1995 and delayed in referring the case to substitute counsel. Respondent was charged with violations of MCR 9.104(1)-(4); and Michigan Rules of Professional Conduct 1.1(a)-(c); 1.2(a); 1.3; 1.4(a) and (b); 3.2; and 8.4(a)-(c).

By stipulation, the parties agreed that respondent should be placed on probation, with conditions, for a period of one year pursuant to MCR 9.121(C). One of the complainants petitioned for review and the Board affirmed the hearing panel's order of probation. The complainant then filed a motion for reconsideration which was denied by the Board. Costs were assessed in the amount of \$254.50.