

NOTICE OF REPRIMAND

Case Nos. 00-96-GA; 00-110-FA

Notice Issued: March 5, 2001

William J. Garlington, P-13855, Wyoming, Michigan, by the Attorney Discipline Board Kent County Hearing Panel #3.

1. Reprimand;
2. Effective February 19, 2001.

On January 26, 2001, the hearing panel found, by default, that respondent had committed misconduct, specifically: In a probate matter, respondent misappropriated \$6,379.00 of estate funds; commingled estate funds with his personal funds; failed to notify each of the co-personal representatives of receipt of the sale proceeds and failed to keep the co-personal representatives informed concerning the status of the funds; failed to promptly deliver the proceeds due and owing to the co-personal representatives; failed to promptly render a full accounting regarding the proceeds when requested; collected a clearly excessive fee; failed to seek court approval prior to withdrawing funds; assessed and collected accumulated interest charges from the estate even though he failed to keep the co-personal representatives apprised of the interest charges and failed to send invoices to any of his clients for 2 1/2 years prior to withdrawal of the fee; failed to maintain reasonable communications with his clients; and failed to timely file answers to formal complaints served by the Grievance Administrator. Respondent's conduct was in violation of MCR 8.303(E); MCR 9.104(1)-(4 and (7); and Michigan Rules of Professional Conduct 1.4; 1.5(a); 1.15(a)-(c); 3.4(c); 8.1(b); and 8.4(a)-(c).

The hearing panel issued an order of reprimand and restitution in the amount of \$1,194.65. Costs were assessed in the amount of \$1,149.50.