

NOTICE OF REPRIMAND AND RESTITUTION
(By Consent)

Case No. 99-181-GA

Issued: August 17, 2000

Robert L. McClinton, P-31315, Detroit, Michigan, by the Attorney Discipline Board Tri-County Hearing Panel #32.

1. Reprimand;
2. Effective August 17, 2000.

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 offered a plea of no contest to the charges of misconduct contained in Count One of Formal Complaint 99-181-GA, to wit: In an estate matter, respondent failed to file a timely inventory or ensure that his client, the personal representative, filed a timely inventory; failed to file timely accountings or ensure that his client filed timely accountings which caused the suspension of his client's fiduciary powers; waited almost five months to seek reinstatement of his client's fiduciary powers; filed an inaccurate accounting which failed to disclose the full amount of attorney fees that he had collected; and failed to either withdraw his representation or to ensure that his client took appropriate action to close the estate. Respondent's conduct was found to be in violation of MCR 91.104(1)-(4); and the Michigan Rules of Professional Conduct 1.1(a)-(c); 1.2(a); 1.3; 3.2; 3.3(a); and 8.4(a) and (c). The parties agreed that Counts Two and Three of Formal Complaint 99-181-GA and Formal Complaint 99-190-FA should be dismissed and that respondent should be reprimanded with conditions relevant to the established misconduct. The parties further stipulated that the respondent should pay restitution to the complainants in the aggregate amount of \$1,800.00. Costs were assessed in the amount of \$303.01.