

## **NOTICE OF ORDER IMPOSING NO DISCIPLINE**

Case No. 99-243-GA

Robert J. Carey, P-27064, Kalkaska, Michigan, by Grand Travers County Hearing Panel.

1. Order imposing No Discipline;
2. Effective April 1, 1999.

Respondent, a candidate for the office of probate judge, ran a newspaper ad which included the slogan, "A Probate Judge of the Family and the Community." In answer to the formal complaint, respondent admitted that he had never been a probate judge but asserted that his identity as a private practitioner was well known in the community, that the slogan should be read in the context of the entire advertisement, that he modified the wording of the advertisement after receiving the request for investigation and that he did not intend to give the impression that he was an incumbent judge.

The hearing panel found that, pursuant to Michigan Rule of Professional Conduct 8.2(b), respondent, as a candidate for judicial office, was required to comply with the applicable provisions of the Michigan Code of Judicial Conduct. The panel further found that respondent's advertisement constituted a violation of Canon 7(B)(1)(c) of the Code of Judicial Conduct but that the violation was not intentional. The panel concluded that, weighing the seriousness of respondent's misconduct, it was appropriate to enter an order finding misconduct but declining to impose discipline, citing Grievance Administrator v Deutch, 445 Mich 149 (1997).

The Grievance Administrator's conditional petition for review was voluntarily withdrawn at the direction of the Attorney Grievance Commission.