

AMENDED NOTICE OF REPRIMAND

Case No. 95-198-GA

David J. Anderson, P-27612, Lansing, Michigan, by Attorney Discipline Board Ingham County Hearing Panel #7.

- 1) Reprimand;
- 2) Effective July 14, 1998.

A right of way divided real property owned by the complainants and a circuit court judge. Respondent was retained by numerous property owners along the right of way, including the complainants, to acquire an ownership interest in the right of way, and filed an action on their behalf in circuit court. The lawsuit was originally assigned to the above-referenced judge, who recused himself due to his ownership of adjacent property. The Formal Complaint alleges that respondent agreed to represent the judge in obtaining an ownership interest in the right of way; proceeded to represent both clients without disclosing the dual representation to the complainants; although he knew at the time of settlement negotiations that the complainants were seeking full ownership of that part of the right of way that divided their property from the judge's property, still failed to disclose his representation of judge's interest in the right of way; and continued the dual representation to the detriment of the complainants. Following evidentiary hearings, the panel entered an Order of Dismissal.

The Grievance Administrator filed a petition for review. In an order and opinion issued December 30, 1996, the Attorney Discipline Board held that respondent failed to meet his obligations under Michigan Rules of Professional Conduct 1.4(a) and (b) to explain a legal matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation, and remanded the matter to the panel to determine the appropriate level of discipline. In all other respects, the panel's Order of Dismissal was affirmed. Respondent filed a motion for reconsideration, which was denied by the Board in an order entered February 20, 1997. Respondent filed an application for leave to appeal, which was denied by the Supreme Court in an order entered February 3, 1998.

A hearing to determine the appropriate discipline was conducted on May 8, 1998. On June 22, 1998, the panel entered a supplemental report and Order of Reprimand. Costs were assessed in the amount of \$2,157.29.

