

NOTICE OF REPRIMAND AND RESTITUTION

Case No. 95-140-GA

Frederick V. Greene, P-41519, Lansing, Michigan, by the Attorney Discipline Board modifying Ingham County Hearing Panel #1's Order of Reprimand and Restitution with Conditions.

- 1) Reprimand;
- 2) Effective May 30, 1998.

Respondent was retained to represent the complainant in an employment discrimination matter. The panel dismissed Count One of the Formal Complaint. Regarding Count Two, the panel found that respondent violated his duty to withdraw from a client's matter if his physical or mental condition materially impairs his ability to represent the client, by failing to expeditiously withdraw from the complainant's matter despite having advised the court that he was unable to effectively represent the complainant. On October 21, 1996, the panel entered an order directing that respondent be reprimanded, make restitution to the complainant in the amount of \$3,000, and be subject to conditions relevant to the established misconduct.

Respondent and the Grievance Administrator each filed a petition for review. On August 25, 1997, the Attorney Discipline Board issued an Interim Order regarding the conditions imposed by the panel. On April 3, 1998, the Board issued an Order Modifying Findings of Misconduct and Modifying Order of Reprimand and Restitution With Conditions, which reversed the panel's dismissal of Count One and found that respondent neglected the complainant's matter; affirmed the \$3,000 restitution; and eliminated the conditions imposed by the panel. Respondent filed a motion for reconsideration. On May 8, 1998, the Board issued an order denying the motion for reconsideration and modifying its order of April 3, 1998.

Respondent's conduct was found to be in violation of MCR 9.104(1)-(4) and Michigan Rules of Professional Conduct 1.1(b) and (c); 1.3; 1.4(a); 1.16(a)(1) and (2); 3.4(d); and 8.4(a) and (c). Costs were assessed in the total amount of \$1,551.70.

