

AMENDED NOTICE OF REPRIMAND

Case No. 90-83-GA

Raymond A. MacDonald, P 16918, Utica, Michigan, by the Attorney Discipline Board reducing Tri-County Hearing panel #107's Order of Suspension for thirty (30) days.

- 1) Reprimand;
- 2) Effective December 30, 1997.

The Formal Complaint in this matter alleged that respondent filed an answer to a request for investigation but thereafter refused to provide further information requested by the Grievance Administrator and refused to honor a subpoena issued by the Attorney Grievance Commission. In his motion to strike and dismiss, answer to complaint, and complaints for mandamus, respondent raised constitutional issues concerning the constitutional legitimacy of Michigan's discipline system, its power to discipline attorneys and the instant complaint in particular. Without specifically addressing those constitutional issues in its report, the panel concluded that respondent's failure to cooperate with the Grievance Administrator's investigation was in violation of MCR 9.103(C); 9.104(1)-(4) and (7), MCR 9.113(B)(2) and Michigan Rules of Professional Conduct 8.1(b) and 8.4(a) and (c). Following a separate hearing on discipline, the panel ordered that respondent's license to practice law should be suspended for thirty days.

Respondent filed a petition for review. On November 21, 1996, the Attorney Discipline Board entered an order reducing discipline to a reprimand. A dissenting Board member, citing MCR 9.113(B)(1) and MRPC 3.4(c), would have dismissed the Formal Complaint.

Respondent filed an application for leave to appeal which was denied without hearing by the Michigan Supreme Court in an order entered December 30, 1997. Costs were assessed in the amount of \$657.85.

