

NOTICE OF REPRIMAND WITH CONDITIONS

Case No. 96-166-GA

Sanford N. Lakin, P-16356, Southfield, Michigan, by Attorney Discipline Board Tri-County Hearing Panel #84.

- 1) Reprimand;
- 2) Effective November 13, 1997.

Respondent represented the plaintiff in a medical malpractice action. The defendant took the deposition of one of the plaintiff's treating physicians. Respondent was present for the deposition in his capacity as counsel for the plaintiff. The panel found, by a preponderance of the evidence, that during the deposition respondent engaged in rude, unprofessional, discourteous and assaultive treatment of opposing counsel. Respondent's conduct was found to be in violation of MCR 9.104(1)-(4); and Michigan Rules of Professional Conduct 6.5(a) and 8.4(a) and (c).

The panel ordered that respondent be reprimanded subject to conditions including a stress counseling/anger management course. The panel specifically noted that the complainant/opposing counsel, an Ohio attorney admitted to practice in Michigan pro hac vice in the underlying matter, provoked respondent by twice taking a legal position regarding the cross-examination of the physician which appeared unwarranted under Michigan law. Costs were assessed in the amount of \$741.46.

