

## NOTICE OF REPRIMAND

Case No. 95-201-GA

Stephen R. Tomkowiak, P-40042, Troy, Michigan, by the Attorney Discipline Board reducing Tri-County Hearing Panel #57's Order of Suspension for ninety days.

- 1) Reprimand;
- 2) Effective September 16, 1997.

Respondent represented the defendant in landlord-tenant litigation in 48th District Court. Prior to commencement of trial, the judge disclosed to respondent and opposing counsel that his wife was the real estate agent who had located the replacement tenant for the rental property that was the subject of the litigation. Neither party sought the judge's disqualification based on the disclosure and the matter proceeded to trial. At the conclusion of the trial, the judge rendered a decision adverse to respondent's client. Respondent filed a Motion to Disqualify and for New Trial, with supporting affidavits. The panel found that the motion and respondent's supporting affidavits were untrue and that the accusatory statements made against the trial judge were false, in violation of MCR 9.104(1)-(4) and Michigan Rules of Professional Conduct 3.1, 3.3(a)(1) and (4) and 8.4(a)-(c). On August 28, 1996, the panel entered an order of suspension for ninety days.

Respondent filed a petition for review and automatic stay of discipline. On November 19, 1996, the Board entered an Order of Remand directing the panel to submit a supplemental report identifying the evidentiary basis in the record for its findings and conclusions, specifically the evidentiary basis for the finding that respondent violated MRPC 3.3(a)(1) and (4) by knowingly offering evidence that the lawyer knows to be false. The panel's supplemental report was filed on March 25, 1997. A review hearing was conducted on June 19, 1997. On August 25, 1997, the Attorney Discipline Board entered an order affirming the panel's findings and conclusions and reducing discipline to a reprimand.

Costs were assessed in the amount of \$1019.30.

