

NOTICE OF SUSPENSION WITH CONDITIONS

Case No. 96-69-GA

Robert E. Anderson, P-45065, Albion, Michigan, by Attorney Discipline Board Ingham County Hearing Panel #6.

- 1) Suspension - 120 Days;
- 2) Effective August 12, 1997.

Respondent was retained to represent three of four co-defendants in a criminal matter in Branch County Circuit Court. Two months before the trial, respondent learned that one defendant intended on taking the stand, exonerating himself, and blaming the alleged criminal conduct on his co-defendants. The parties stipulated that respondent engaged in an impermissible conflict of interest, as follows: After learning of one defendant's intentions to exonerate himself and blame the other co-defendants, respondent failed to disclose the conflict of interest to his other clients; failed to disclose the conflict of interest in his continued representation of the three co-defendants to the court; altered his trial strategy for all three co-defendants to avoid exposing the conflict of interest; and, despite the conflict of interest that had arisen due to one defendant's intended testimony, he failed to withdraw from representation and continued the representation to the detriment of the three co-defendants. Respondent's conduct was found to be in violation of MCR 9.104(1)-(4) and Michigan Rules of Professional Conduct 1.4, 1.7, 1.16(a)(1), and 8.4(a)-(c).

The panel ordered that respondent be suspended from the practice of law for 120 days, subject to conditions involving continuing legal education in criminal law. In determining the appropriate discipline to be imposed, the panel specifically noted "[t]he respondent's knowledge that his client intended to perjure himself, and his ignorance of the State Bar of Michigan's Ethics Opinions and the Michigan Rules of Professional Conduct." Report of Ingham County Hearing Panel #6, p. 3. Costs were assessed in the amount of \$308.46.