

NOTICE OF REPRIMAND AND RESTITUTION
(By Consent)

Case Nos. 96-65-GA; 96-87-FA

Daniel M. Carr, P-31865, Detroit, Michigan, by Attorney
Discipline Board Tri-County Hearing Panel #26.

- 1) Reprimand;
- 2) Effective September 6, 1996.

A couple retained respondent on a one-third contingent fee basis pursuant to a written fee agreement to represent them in federal civil litigation. The clients advanced respondent \$1,350 in costs. During the initial stages of the litigation, the clients agreed with respondent not to settle their claim for less than \$10,000. About two years later, the clients decided to accept an \$8,500 settlement offer to resolve the case.

Respondent pled no contest to allegations that he failed to advise his clients that he had incurred costs of \$4,333.97; despite the terms of his written fee agreement, he demanded that his one-third attorney fee be calculated on the figure of \$10,000 rather than the actual settlement amount; and he delivered \$3,566.22 to his clients, rather than the sum of \$4,127.65 to which they were entitled.

Respondent's conduct was alleged to be in violation of MCR 9.104(1)-(4); and Michigan Rules of Professional Conduct 1.2(a); 1.4(a)and(b); 1.5(a); 1.15(b); 1.16(d); and 8.4(a)-(c).

The parties stipulated that respondent be reprimanded and make restitution to the complainants in the amount of \$561.13. Costs were assessed in the amount of \$204.57.