

NOTICE OF REPRIMAND
(By Consent)

Case No. 96-39-GA

Jack W. Scully, P-23713, Standish, Michigan, by Attorney
Discipline Board Midland County Hearing Panel #2.

- 1) Reprimand;
- 2) Effective May 28, 1996.

Respondent pled no contest to allegations that he violated his duties and responsibilities as follows: In his capacity as Prosecuting Attorney for Arenac County, he authorized the issuance of subpoenas duces tecum as investigative tools, even though there was no case then pending in any court; he falsely represented on those subpoenas that the person being served would be compelled by law to appear before a court of record at a specific time and date, and that failure to appear might subject that person to contempt of court, unless the requested information and/or medical records were provided to him prior to the date specified in the subpoena; he usurped the power of a circuit judge under MCL 767.3 to decide whether it would be appropriate to authorize the type of inquiry into criminal activity that would permit the issuance of investigative subpoenas under MCL 767.21; he violated the confidentiality of a third person's privileged medical records without any valid basis in law for doing so; and, he seized a suspect's confidential medical records without any judicial determination of "probable cause."

Respondent's conduct as set forth above constitutes professional misconduct in violation of MCR 9.104(1)-(4); and the Michigan Rules of Professional Conduct, 3.1; 3.4(c); 4.1; 4.4; and 8.4(a)-(c).

The parties stipulated that respondent be reprimanded.
Costs were assessed in the amount of \$198.60.