

NOTICE OF REPRIMAND

Case No. 92-201-GA

George R. Darrah, P-12510, Flint, Michigan, by the Attorney Discipline Board vacating a Hearing Panel Order of Dismissal.

- 1) Reprimand;
- 2) Effective November 22, 1994.

Respondent represented a mentally ill defendant charged with arson. Before trial, the defendant stated on the record that she wanted the case adjourned so that she could go to a hospital for treatment and that she was under too much stress. Respondent told the Court that in his opinion a trial would be "good for her". The jury found the defendant guilty but mentally ill. At sentencing, the defendant asked for probation. Respondent told the Court that although his request was "bad form", it would be "much better for her" if she were imprisoned.

Genesee County Hearing Panel #1 concluded that respondent's conduct did not amount to professional misconduct because his failure to support his client's requests did not make any difference in the outcome of the trial or in the sentence imposed. The panel entered an Order of Dismissal.

The Grievance Administrator and the complainant each filed a Petition for Review. On review, the Attorney Discipline Board found that respondent's conduct violated of Canon 7 of the former Code of Professional Responsibility, DR 7-101(A)(1), and on March 29, 1994, entered an Order of Reprimand. The respondent and the complainant each filed a Motion for Reconsideration, both of which were denied by the Board on April 25, 1994. The respondent filed an Application for Leave to Appeal, which was denied by the Michigan Supreme Court on November 22, 1994.

Costs were assessed in the amount of \$1,008.96.