

NOTICE OF REPRIMAND

Case No. 93-25-GA

Philip A. Settles, P-40213, Traverse City, Michigan, by
Attorney Discipline Board Grand Traverse County Hearing Panel.

- 1) Reprimand;
- 2) Effective November 16, 1993.

Respondent was retained to represent the defendant in a real estate matter, and received a \$350 retainer from the client to be applied toward his quoted hourly fee of \$65 per hour. Thereafter, the client agreed to accept \$1200 from the plaintiff in settlement of the litigation. A settlement check in the amount of \$1200, made payable to the client and respondent's law firm, was forwarded to respondent by the plaintiff. The client offered to pay respondent \$200 from the settlement proceeds toward his fee and requested that he accept payments on the remaining balance due him. Instead, the entire amount of the settlement proceeds was applied toward respondent's attorney fee.

The panel found that respondent should have communicated with the client in a way that documented her right to dispute her billing and should have assured that the disputed fees were not deposited in the firm's client trust account without the client's documented knowledge, nor should he have allowed fees to be transferred to his firm's account until the client had clearly acquiesced in the amount and terms of payment.

Respondent's conduct was found to be in violation of Michigan Rule of Professional Conduct 1.15(c). Costs were assessed in the amount of \$783.93.