

## NOTICE OF REPRIMAND

Case No. 92-134-GA

Benjamin Whitfield, Jr., P-23562, Detroit, Michigan, by the Attorney Discipline Board affirming a hearing panel order of reprimand.

- 1) Reprimand;
- 2) Effective November 4, 1993.

Respondent was retained to prosecute a personal injury action, which was settled for \$2500. Respondent agreed to pay his client's medical provider \$666 from the settlement proceeds. Tri-County Hearing Panel #26 found that respondent failed to promptly deliver to the medical provider the funds to which it was entitled; failed to render a full accounting regarding the funds; and commingled personal funds with funds maintained in his client trust account. The panel specifically found that the funds in question were client funds and were required to be maintained and traceable.

Respondent's conduct was found to be in violation of MCR 9.104(1)-(4); the Michigan Rules of Professional Conduct, 1.15; 8.4(a)-(c); and Canons 1 and 9 of the then-applicable Code of Professional Responsibility, DR 1-102(A)(1),(4)-(6); DR 9-102(A); and DR 9-102(B)(1),(3)and(4). The panel imposed a reprimand, basing its decision of respondent's previously unblemished disciplinary record and his lack of intent to defraud.

The Grievance Administrator and the respondent each filed a petition seeking review of the hearing panel's order of reprimand. In an order dated April 14, 1993, the Attorney Discipline Board affirmed the hearing panel order of reprimand. Respondent filed a motion for reconsideration, which was denied by the Board on May 13, 1993. Respondent filed an application for leave to appeal with the Michigan Supreme Court, which was denied in an order dated November 4, 1993. Costs were assessed in the amount of \$934.07.