

NOTICE OF REPRIMAND

Case Nos. 92-42-GA; 92-62-FA

Frank G. Proctor, P19112, Waterford, Michigan, by Attorney Discipline Board Tri-County Hearing Panel #24.

- 1) Reprimand;
- 2) Effective October 16, 1992.

The hearing panel found that the allegations of professional misconduct contained in Formal Complaint 92-42-GA were established by respondent's plea of no contest. Formal Complaint 92-62-FA was dismissed.

Respondent's law firm was retained to probate an estate. The firm assigned the case to an associate (not respondent). The associate filed a petition for commencement of proceedings in the Oakland County Probate Court. The firm's client was appointed personal representative of the estate. The associate assigned to the case left the firm, and respondent agreed to complete the administration of the estate.

Respondent failed to timely administer and close, or assist the personal representative in timely administering and closing, the estate; and failed to keep the personal representative informed concerning the status of the estate.

Respondent also agreed with the same client to complete the administration of another estate. Respondent filed a petition and order for authority to appoint his client as successor trustee of the testamentary trust; letters of authority were issued to the client. Respondent failed to timely administer and close, or assist the personal representative in administering and closing, the estate; and failed to keep his client informed concerning the status of the estate.

Respondent's conduct constitutes professional misconduct in violation of MCR 9.104(1-4); the Michigan Rules of Professional Conduct, 1.1(c); 1.3; 1.4; 3.2; 8.4(a,c); and Canons 1, 6 and 7 of the then-applicable Code of Professional Responsibility, DR 1-102 (A)(1,5,6); DR 6-101(A)(3); DR 7-101(A)(1-3). Costs were assessed in the amount of \$120.04.