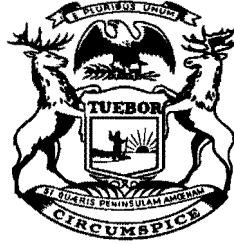


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DISMISSAL

Case No. 18-66-GA

Richard Eriksen, P 13217, Waterford, Michigan, by the Attorney Discipline Board Tri-County Hearing Panel #66.

Dismissal - Effective December 20, 2018.

The essential allegation in the formal complaint was that respondent had *ex parte* written and oral communication with an individual who was represented by other counsel at the time the communications occurred. The un rebutted testimony, as well as the exhibits presented at the hearing indicated that respondent's contacts with the individual were in the context of his role as "trustee" of the estate, rather than as an "individual," and the panel found that respondent did not know the individual was represented when he communicated with him via letter on June 9, 2016.

There was an additional allegation that, during a telephone conversation between respondent and opposing counsel, respondent spoke in an inappropriate manner. The panel found that the conversation occurred in the context of an emotionally charged dialogue between attorneys and the language used by respondent did not constitute language that would be considered to be an ethical violation.

The panel found that the Grievance Administrator failed to establish, by a preponderance of the evidence, a violation of the Rules of Professional Conduct alleged in the formal complaint (MRPC 4.2 and 6.5(a); and MCR 9.104(1), (2) and (3)). No costs were assessed against respondent.

Mark A. Armitage
Executive Director