

NOTICE OF REPRIMAND

Case No. 91-260-GA

Robert F. Mirque, P23816, Grand Rapids, Michigan, by Attorney Discipline Board Kent County Hearing Panel #2.

- 1) Reprimand;
- 2) Effective May 27, 1992.

The hearing panel found that misconduct as alleged in Count One of the formal complaint was established by a preponderance of the evidence. Counts Two through Four were dismissed.

Respondent was retained to represent the defendant in a criminal matter which resulted in defendant's conviction and a term of three years imprisonment. Just before defendant went to prison, respondent expressed interest in defendant's vehicle and offered to purchase it by taking over the monthly payments. Defendant agreed to the transaction and, at respondent's request, signed the title to the vehicle over to the respondent and gave respondent possession of the car.

In violation of his duties to his client, respondent failed to advise his client of any conflicts of interest between them for the client's consideration in determining whether to enter into the proposed transaction; failed to advise his client to consult another attorney or a financial advisor on the propriety and/or wisdom of entering into the proposed transaction; failed to advise his client to consult with a representative of the lending institution which had a security interest in the vehicle on the propriety and acceptability to the bank of the proposed transaction; and failed to provide his client with documentation of the transaction or respondent's obligations under the agreement.

Respondent's conduct was found to be in violation of MCR 9.104 (1-4) and the Michigan Rules of Professional Conduct, 1.8(a); 8.4 (a,c). Costs were assessed in the amount of \$835.14.