

## NOTICE OF REPRIMAND

ADB 114-89

Clinton C. House, P-15158, Caro, Michigan, by the Attorney Discipline Board vacating a hearing panel order of dismissal.

- 1) Reprimand;
- 2) Effective August 21, 1990.

The Attorney Discipline Board Saginaw County Hearing Panel unanimously concluded that the Grievance Administrator had failed to establish by a preponderance of the evidence the allegations of misconduct contained in the two-count formal complaint. The Grievance Administrator and the complainant filed petitions for review seeking review of the hearing panel's decision.

Based upon a review of the record, the Attorney Discipline Board concluded, by majority, that the dismissal of Count I was not warranted in light of the evidence. The respondent was retained to prosecute a claim for money damages; the claim was reduced to a judgment and arrangements were made for installment payments. The judgment-debtor issued two checks, each in the amount of \$500.00, which were deposited into the respondent's account. The operation of the respondent's trust account was entirely delegated to his staff, and an inexperienced secretary mistakenly drew several checks from that account. The Board ruled that the fact that the misconduct may have resulted from the acts or omissions of the respondent's employees should be given substantial weight, but should not completely excuse his failure to oversee the client funds entrusted to his care. The panel's decision to dismiss Count II was affirmed.

Respondent's conduct was found to be in violation of MCR 9.104(1-4) and Canons 1 and 9 of the Code of Professional Responsibility, DR 1-102(A)(1,3-6); DR 9-102(A)(1,3-6); DR 9-102(A) and DR 9-102(B)(4). Costs were assessed in the amount of \$613.00.