

NOTICE OF REPRIMAND

ADB 118-89; 139-89

Reginald O. Hamilton, P-26213, Oak Park, Michigan, by Attorney Discipline Board, Oakland County Hearing Panel #6.

- 1) Reprimand;
- 2) Effective February 23, 1990.

Respondent's failure to answer the formal complaint resulted in the entry of a default. The panel ruled that the respondent could present no facts suggesting a meritorious defense. The allegations in the complaint were deemed to be admitted and the respondent was given an opportunity to present evidence in mitigation.

The respondent received a settlement check made payable to himself and his client which he deposited in his general business account, thereby commingling client funds with his own. After distribution of the net settlement proceeds to his client, the respondent retained the sum of \$396 to be paid to a physical therapy clinic. The respondent's failure to maintain that balance in his business account was deemed to constitute misappropriation. The panel further found that the respondent's failure to file a timely answer to complaint ADB 118-89 constituted a separate act of professional misconduct.

Respondent was found to have violated the provisions of MCR 9.104(2-4,7); MCR 9.113(B)(2); Rule 8.4 of the Michigan Rules of Professional Conduct; and Canons 1 and 9 of the Code of Professional Responsibility, DR 1-102(A)(1,4-6) and DR 9-102(A); DR 9-102(B)(3,4).

In mitigation, the panel found that respondent had not been disciplined in thirteen years of practice, that respondent was candid in his testimony and expressed remorse for his inappropriate conduct. Costs were assessed in the amount of \$227.45.