

NOTICE OF REPRIMAND

ADB 104-88; 210-88

William F. Klintworth P 30993, Traverse City, MI by the Attorney Discipline reversing the hearing panel's decision to dismiss Counts I, and II of the formal complaint and affirming the discipline imposed.

- 1) Reprimand;
- 2) Effective May 20, 1989.

The respondent was found to have committed professional misconduct by failing to return unearned fees following his withdrawal from representation in a civil matter and his delivery of a check drawn on insufficient funds, by his failure to advise another client that an out of state attorney to whom a case had been referred had offered to waive his fees and by his attempts to collect unearned fees in a bankruptcy matter. The panel considered a number of mitigating factors and determined that a reprimand was appropriate.

Following its consideration of a petition for review filed by the Grievance Administrator, the Attorney Discipline Board ruled that two additional counts of misconduct were supported by the evidence and that the respondent's failure to maintain the appropriate balance in his client trust account constituted a violation of Canon 9 of the Code of Professional Responsibility, DR 9-102(A)(B)(4). Based upon its consideration of the mitigating factors considered by the panel, the Board declined to modify the discipline imposed. Costs were assessed in the amount of \$1744.52.