

NOTICE OF REPRIMAND AND PROBATION

ADB 118-87

William W. Swor, P 21215, Detroit, MI by the Attorney Discipline Board modifying a hearing panel Order of Probation.

- 1) Reprimand;
- 2) Probation - two (2) years;
- 3) Effective April 7, 1989

The respondent was retained to commence an age discrimination suit but failed to seek his client's objectives and made misrepresentations to the client to conceal his lack of progress. In a separate matter, the respondent deposited a \$500.00 settlement check in his client's trust account in May 1983 and allowed the balance in the account to fall below the required amount before distribution was made to the client. On appeal, the Attorney Discipline Board ruled that the depletion of the account constituted a misappropriation of client funds. However, the Board noted in mitigation that the evidence supported the panel's conclusion that there was an absence of any intent to use client funds for his own benefit. Respondent's conduct was found to be in violation of MCR 9.104(1-4) and Canons 1, 2, 6, 7 and 9 of the Code of Professional Responsibility, DR 1-102(A)(1,3-6); DR 2-110(A)(3); DR 6-101(A)(3); DR 7-101(A)(1-3) and DR 9-102(B)(4).

The Board affirmed the panel's findings that respondent had established his eligibility for probation in accordance with the provisions of MCR 9.121(C).