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STATE OF MICHIGAN

Attorney Discipline Board



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NOTICE OF REPRIMAND

File No. DP 34/85

Steven J. Lupiloff, P 16862, 30600 Northwestern Hwy., Ste. 300, Farmington Hills, MI 48018 by the Attorney Discipline Board reducing a hearing panel order of suspension.

- 1) Reprimand;
- 2) April 15, 1988.

Respondent received funds on behalf a client as the result of the redemption of an award by the Bureau of Worker's Disability Compensation. Respondent deposited the entire award in his general account and, after disbursement of the net proceeds to his client, retained the sum of \$1897.00 for the specific purpose of discharging his client's obligation to a clinic. During the eight months that respondent retained possession of those funds, the balance in the general account fell below the level of \$1897.00 on sixteen occasions. The hearing panel concluded that the eight month delay in delivering the funds to the medical provider was unreasonable under the circumstances, that the deposit of funds into his own general account constituted commingling in violation of DR 9-102(A) and that his failure to maintain the full balance in his account constituted a misappropriation of those funds.

The suspension of forty-five days ordered by the hearing panel was appealed by the respondent and the Grievance Administrator to the Attorney Discipline Board which affirmed the panel's factual findings and its conclusions that respondent's conduct was in violation of MCR 9.104(2-4) and Canons 1 and 9 of the Code of Professional Responsibility, DR 1-102(A)(5,6) and DR 9-102(A)(B)(4). By a majority, the Board reduced discipline to a reprimand in light of certain unique mitigating circumstances and its conclusion that the violations were primarily caused by negligence and poor office accounting procedures. A dissenting opinion was filed by two members who would increase discipline to a suspension of one year in light of respondent's violation of a fundamental duty to segregate and protect client funds and respondent's prior reprimand for failure to make timely delivery of funds to a physician on behalf of a client. Costs were assessed in the amount of \$692.49.

In an order entered September 7, 1988, the Supreme Court denied the application for leave to appeal filed by the Grievance Administrator.


John, F. Van Bolt

Dated: SEP - 9 1988