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NOTICE OF REPRIMAND WITH CONDITIONS
(By Consent)

Case No. 17-101-GA

Notice Issued: May 2, 2018

Nabih H. Ayad, P 59518, Detroit, Michigan, by the Attorney Discipline Board Tri-County Hearing Panel #15.

Reprimand, Effective May 2, 2018

The respondent and the Grievance Administrator filed a Stipulation for Consent Order of Discipline, in accordance with MCR 9.115(F)(5), which was approved by the Attorney Grievance Commission and accepted by the hearing panel. The stipulation contained respondent's admissions to the allegations that he committed acts of professional misconduct as the result of his improper use of an IOLTA account.

Based upon respondent's admissions and the stipulation of the parties, the panel found that respondent entered into a business transaction with a client, in violation of MRPC 1.8(a), which did not satisfy the exceptions of MRPC 1.8(a)(3), because the terms were not transmitted in writing to the client; failed to preserve complete records of funds in his IOLTA account for a period of five years after termination of representation, in violation of MRPC 1.15(b)(2); failed to hold property of clients and third persons in connection with a representation separate from the lawyer's own property, in violation of MRPC 1.15(d); deposited his own funds in a client trust account in an amount greater than reasonably necessary to pay financial institution service charges or fees, in violation of MRPC 1.15(f); and failed to make reasonable efforts to ensure that a non-lawyer employee's conduct was compatible with the professional obligations of the lawyer, in violation of MRPC 5.3(b). Respondent was also found to have violated MRPC 8.4(a) and MCR 9.104(2).

In accordance with the stipulation of the parties, the panel ordered that respondent be reprimanded, that respondent and his administrative assistant attend a lawyer trust accounts seminar offered by the State Bar of Michigan, and that respondent submit copies of bank statements for his trust account(s) to the Grievance Administrator on a monthly basis, for a period of two years. Costs were assessed in the amount of \$1,118.40.


Mark A. Armitage
Executive Director