

Attorney Discipline Board



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NOTICE OF REPRIMAND

File No. DP-64/81

JOHN F. HUFT (P15233), 198 Benzie Boulevard, Beulah, MI 49617, by Attorney Discipline Board, 28th Circuit Hearing Panel.

- (1) Reprimand;
- (2) Effective December 7, 1981.

The hearing panel found that Respondent was guilty of violating the disciplinary rules on two separate counts because he accepted private employment in a matter upon the merits of which he had acted in a judicial capacity, in violation of Canons 1 and 9 of the Code of Professional Responsibility, to-wit: DR 1-101 (5), DR 9-101 (A). The hearing panel found that Respondent knew or should have known that the fiduciary of a certain estate purchased property owned by the estate contrary to the provisions of the probate code, that said estate was pending before the Benzie County Probate Court of which Respondent was a part-time Judge who was permitted to engage in the private practice of law, that Respondent failed to advise the fiduciary that said purchase was unlawful, that Respondent failed to advise the fiduciary that Respondent could not act as said fiduciary's private attorney regarding circuit court proceedings to set aside the judicial deed, and that Respondent failed to advise the fiduciary that Respondent, as Probate Judge, would hold the said fiduciary accountable to the estate for the proceeds and profits of the purchase, and, finally, that Respondent failed to take any action as Probate Judge to force the fiduciary to close said estate. The panel also found that Respondent, after leaving the bench as Benzie County Probate Judge, represented the said fiduciary for three or four years before the Benzie County Probate Court in connection with the estate in question. Costs of approximately \$573.00 were assessed against Respondent.

John F. X. Dwaihy
 JOHN F. X. DWAIHY, Executive Director
 & General Counsel

David Baker Lewis
 DAVID BAKER LEWIS, Secretary of the
 Attorney Discipline Board

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December 10, 1981