

Attorney Discipline Board



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This is to inform the Courts of the State of Michigan of the following Order of Discipline:

NOTICE OF REPRIMAND

File No. DP-31/80

Related: 37000

THOMAS A. NICKELS (P27008), 150 E. Chisholm, P.O. Box 274, Alpena, MI 49707, by Attorney Discipline Board 21st Circuit Hearing Panel.

- (1) Reprimand;
- (2) Effective October 13, 1980.

Respondent was charged in a one-count Complaint with personally, or through an agent of his, causing the words "S/Judge Harrison" to be placed on the signature line of a proposed Circuit Court Order allowing delayed claim of appeal and caused said order to be mailed from Respondent's place of business to the Department of Labor, Michigan Employment Security Commission in Detroit, Michigan, knowing that said proposed order had not been granted or signed by the Circuit Judge and intending that said words would signify that an original order had been signed by the Circuit Judge, with intent to deceive the Appeal Board of said Department of Labor. The Complaint further charges that, when required to do so, Respondent made no effort to explain, clarify, rectify or rescind said purported order. Respondent was charged with violations of GCR 953 and Canon 1 of the Code of Professional Responsibility, DR 1-102 (A) (4) (5).

The Hearing Panel determined that Respondent knew or should have known that the proposed Order Granting a Delayed Claim of Appeal upon which Respondent placed the words "S/Judge Harrison" signified that it was a copy of an original Order and would mislead the Employment Security Commission and their attorneys; however, the Panel did not specifically conclude that Respondent knowingly and intentionally misled the M.E.S.C. The Panel did find that Respondent at some point became aware that the Attorney General and Employment Security Commission were misled by said proposed order and, that Respondent took no action or effort to explain, clarify or rescind the purported order, despite requests from Circuit Judge Michael Harrison to so explain, clarify, rectify or rescind said order. The Panel determined that Respondent violated GCR 953 (1) but made no finding of a violation of Canon 1, DR 1-102 (A) (4) and (5) of the Code of Professional Responsibility which prohibits deceitful, fraudulent and dishonest conduct and conduct prejudicial to the administration of justice. The Hearing Panel assessed Respondent costs in the amount of \$369.99.

David Baker Lewis

David Baker Lewis, Secretary
ATTORNEY DISCIPLINE BOARD

October 21, 1980