

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-3/80

Related No. 37176 and 36285

RODNEY WATTS, (P26832), 12850 Woodward Avenue, #202, Highland Park, MI 48203, by Order of the Attorney Discipline Board affirming the decision of its Wayne Circuit Hearing Panel "E".

- (1) Reprimand;
- (2) Effective October 21, 1980.

Respondent was charged in a three (3) count Formal Complaint with: Receiving a substantial retainer to institute a civil action, and despite repeated inquiries from the client, failure, neglect and/or refusal to communicate with said client or return said fee, in violation of Canons 1, 2, 6, 7 and 9 and GCR 953 (1-5); Failure to respond to the Grievance Administrator's Request for Investigation regarding the subject matter of said Count I; Improper handling of client funds, issuance of a check as partial payment of funds due a client against a personal account, although said client funds should have been deposited in a client trust account, said check having been dishonored for insufficient funds. Regarding the charge of improper use of client funds, the Complaint stated that Respondent did make non-timely payment in full to the client several months after the same was due; however, the Complaint charged that Respondent was unauthorized to make personal use of the funds, and comingled them with his own funds, and converted them to his own use, in violation of Canons 1 and 9 of the Code of Professional Responsibility, DR 1-102 (A), DR 9-102 (A) (B), and GCR 953 (2-5).

The Hearing Panel found that the Grievance Administrator failed to prove the allegations contained in Count I; however, the Panel found that Respondent was in technical violation of the rules for failure to answer the Request for

Notice of Reprimand
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Investigation regarding Count I, although said violation was mitigated by a clerical misunderstanding. Regarding Count III, involving client funds, the Panel found that Respondent admitted having been retained by the client and having received \$4,896.05 on behalf of said client in relation to a real estate closing; Respondent also admitted having maintained a client trust account. The Hearing Panel further found that \$1,780.07 was due the client from Respondent as a result of said transaction, and that Respondent issued a check in the amount of \$1,000.00, drawn upon his personal account, which was dishonored for insufficient funds, and that Respondent, several months after said payment was due, did issue a cashier's check in full satisfaction of the amount owed to the client. Although the Panel found that Respondent was not authorized to make personal use of said funds, the Panel specifically rejected the allegation that Respondent converted said funds to his own use; rather, the Panel found that Respondent converted said funds for the temporary use of a separate, indigent client and did not commingle the client funds with his own, nor use the same for his own benefit. Regarding Count III, the Panel found a violation of Canon 9, DR 9-102 (B) (3-4), but specifically ruled that Respondent had not violated any other disciplinary rule as alleged. The Panel considered several mitigating factors, including Respondent's inexperience and youth, and absence of criminal intent, eventual payment to client of the funds due, no prior record of misconduct and other relevant factors. Costs were assessed in the amount of \$479.06. Pursuant to a Petition for Review filed by the Grievance Administrator, the Attorney Discipline Board affirmed the decision of the Panel in all respects.



David Baker Lewis, Secretary
ATTORNEY DISCIPLINE BOARD

Date of Issuance: MAR 13 1981