

NOTICE OF REPRIMAND

Case No. 94-50-JC; 94-93-JC

Vicky O. Howell, P-44329, Birmingham, Michigan, by the Attorney Discipline Board vacating Hearing Panel Order of "No Discipline" and imposing a reprimand.

On June 22, 1992, respondent pled guilty to the misdemeanor offense of operating a motor vehicle while visibly impaired. On June 9, 1993, respondent was convicted in another case of operating a motor vehicle while visibly impaired, second offense. The Grievance Administrator instituted separate discipline proceedings which resulted in two hearing panel orders of dismissal. In an opinion, issued April 20, 1995, the Attorney Discipline Board affirmed the orders of dismissal, finding that there was insufficient evidence in the records below to establish that the convictions for impaired driving constituted conduct which reflected adversely on the respondent's honesty, trustworthiness or fitness as a lawyer. See MRPC 8.4(b). The Grievance Administrator's application for leave to appeal was granted by the Supreme Court which reversed the Board's orders and remanded these matters for further proceedings. *Grievance Administrator v Deutch and Howell*, 445 Mich 149 (1997). On remand, these matters were consolidated by the Board and assigned to Tri-County Hearing Panel #76. In accordance with the Court's opinion, the panel found that respondent's separate convictions of operating a motor vehicle while impaired constituted professional misconduct as a matter of law under MCR 9.104(5) regardless of whether those convictions, on their face, reflected adversely on respondent's honesty, trustworthiness or fitness as a lawyer. The panel conducted a hearing on discipline and entered an order on May 21, 1998, finding misconduct but declining to impose discipline, citing the Court's holding in *Grievance Administrator v Deutch and Howell*, that where the balance of mitigating and aggravating factors warrants, and notions of justice and fairness require, the panel may decide to forego the imposition of discipline at all. *Grievance Administrator v Deutch and Howell*, 445 Mich at 163.

The Grievance Administrator petitioned for review. On September 4, 1998, the Board entered an order vacating the hearing panel's order of "no discipline" and increasing discipline to a reprimand. The Grievance Administrator's application for leave to appeal was denied by the Supreme Court in an Order entered July 8, 1999.

Costs were assessed in the amount of \$1,292.88.