

# Attorney Discipline Board

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GRIEVANCE ADMINISTRATOR,  
Attorney Grievance Commission,

Petitioner/Appellee,

v

Case No. 04-118-GA

TIMOTHY S. BARKOVIC, P 29797,

Respondent/Appellee.

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## ORDER AFFIRMING HEARING PANEL ORDER OF REPRIMAND

Issued by the Attorney Discipline Board  
211 W. Fort St., Ste. 1410, Detroit, MI

Respondent was charged with five counts of misconduct in the formal complaint. By agreement of the parties, Counts III and IV were dismissed. The hearing panel found that respondent violated MRPC 6.5(a) as alleged in Counts I, II, and V, and imposed a reprimand. Respondent has petitioned for review, arguing that his conduct was protected by state and federal guarantees of free speech, that MRPC 6.5(a) was not violated, and that the rule did not provide fair notice that his conduct would subject him to discipline.

The Attorney Discipline Board has conducted review proceedings in accordance with MCR 9.118, and we are not persuaded that the hearing panel erred in concluding that respondent committed misconduct.

MRPC 6.5(a) provides:

(a) A lawyer shall treat with courtesy and respect all persons involved in the legal process. A lawyer shall take particular care to avoid treating such a person discourteously or disrespectfully because of the person's race, gender, or other protected personal characteristic. To the extent possible, a lawyer shall require subordinate lawyers and nonlawyer assistants to provide such courteous and respectful treatment.

There is no dispute about the nature of respondent's statements. They were made in the course of his duties at the courthouse. They go well beyond discourteous and disrespectful and were in fact offensive and degrading. We conclude that they are also plainly covered by the rule, and we find no constitutional impediments to their enforcement under these circumstances.

**NOW THEREFORE,**

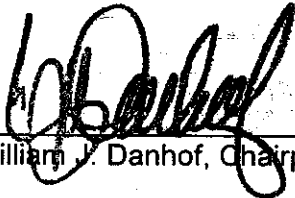
**IT IS ORDERED** that the order of reprimand issued by Tri-County Hearing Panel #108 is **AFFIRMED**.

**IT IS FURTHER ORDERED** that the effective date of this order is March 24, 2010.

**IT IS FURTHER ORDERED** that respondent shall, on or before March 24, 2010, pay costs in the amount of **\$2,661.50**, which includes costs previously assessed, plus costs incurred on review. Check or money order shall be made payable to the State Bar of Michigan, but submitted to the Attorney Discipline Board [211 West Fort St., Ste. 1410, Detroit, MI 48226] for proper crediting. (See attached instruction sheet).

ATTORNEY DISCIPLINE BOARD

By:

  
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William J. Danhof, Chairperson

DATED: February 23, 2010

Board members William J. Danhof, Thomas G. Kienbaum, Rosalind E. Griffin, M.D., Craig H. Lubben, James M. Cameron, Jr., and Sylvia P. Whitmer, Ph.D, concur in this decision.

Board Members Andrea L. Solak and Carl E. Ver Beek were recused and did not participate. Board Member William L. Matthews, C.P.A., was not present and did not participate.