

IN THE MATTER OF GEORGE P. MANN,  
A Member of the State Bar of Michigan,  
Respondent.  
No. 35707-A  
Decided: October 22, 1979

OPINION

The facts of this case are a matter of record and undisputed. Respondent was held to be in contempt of the Wayne County Circuit Court at the conclusion of a trial in September, 1977. The Judge had apparently charged Respondent with unethical conduct on the record, Panel Tr. of May 23, 1979 at 24, then refused to permit responsive explanation or public vindication in the courtroom. Respondent reacted with the suggestion that the Judge had run a “kangaroo proceeding,” In re Contempt of Mann, No. 77-3267, slip opinion at 1 (Mich. App. Aug. 24, 1978; per curiam), appeal denied 405 Mich Adv. Sh. 829, 275 NW2d 1 (1979) and, after refusing to apologize, he was sentenced to five days in the Wayne County Jail. The court of appeals affirmed. Id. The Supreme Court subsequently issued an order denying leave to appeal and remanding the matter for supervision of execution of sentence, but allowed Respondent to “obviate the sentence by direct apology to the trial judge within seven days . . .” of the order. A timely apology was made and a circuit court order concluded the matter. Panel Tr. of May 23, 1979 at 9.

The Grievance Administrator filed a Formal Complaint after the court of appeals’ affirmation, but before the Supreme Court order. Wayne County Hearing Panel No. 12 found Respondent guilty of misconduct, and concluded that he should be reprimanded and pay costs.

The continued pursuit of the formal complaint after the action of the Supreme Court is deemed to have been ill-advised. Respondent has not been disciplined in the past. The incident before us involved a brief moment of regrettable, tactless conduct precipitated by what Respondent felt was unjust provocation. We do not condone Respondent’s actions, but we believe that even a reprimand “for the protection of the public, the courts, and the legal profession,” MGCR 1963, 954 is unnecessary.

An additional reason for our decision is the Supreme Court order disposing of the matter in the manner mentioned after a Formal Complaint was filed. Public, Judicial scrutiny of the conduct in question has been exercised by the progenitor of this Board. Although discipline could be imposed in addition to sanctions for criminal contempt, the result would tend to be punitive, somewhat superfluous and inconsonant with the Supreme Court's primary purpose of protecting the public and safeguarding the administration of Justice.

The Hearing Panel Order of Reprimand and assessment of costs is vacated and the Complaint dismissed.