

NOTICE OF REPRIMAND

Case No. 159-88

Robert R. Cummins, P-12391, Birmingham, MI by the Attorney Discipline Board reducing a 30-day suspension.

- 1) Reprimand;
- 2) Effective December 28, 1988.

The Respondent received a settlement check on behalf of his client in a worker's compensation case. He deposited that check in his office account and issued a check to the client for her share of the proceeds. When the client's check was presented two weeks later, the account balance had fallen below the required amount by \$17.40 and the client's check was dishonored.

Following review of the Petitions filed by both parties, the Attorney Discipline Board affirmed the Hearing Panel's findings that the Respondent improperly commingled and misappropriated funds belonging to his client in violation of MCR 9.104(1-4) and Canons 1 and 9 of the Code of Professional Responsibility DR 9-102(A)(4)(6); DR 9-102(A) and DR 9-102(B)(4). The 30-day suspension imposed by the Hearing Panel was reduced to a reprimand in light of the lack of evidence tending to show a willful intent to invade the client's funds, the Respondent's prior unblemished record, and the absence of any evidence regarding similar incidents. Costs were assessed in the amount of \$187.14.