

NOTICE OF REPRIMAND AND RESTITUTION  
(With Conditions)

Case No. 92-11-GA

Philip H. Weaver, P22062, Fenton, Michigan, by Attorney  
Discipline Board Tri-County Hearing Panel #85.

- 1) Reprimand;
- 2) Effective July 2, 1992.

The hearing panel found that the allegations of misconduct contained in counts one through four of the formal complaint were established by a preponderance of the evidence. Count five was dismissed.

Respondent was retained to assist the plaintiffs in collecting a civil judgment. Four checks in the total amount of \$600.00, made payable to respondent and/or his clients, were forwarded to respondent. Respondent deposited the checks into his office business account, commingling client funds with his own; failed to promptly deliver the proceeds to his clients; and misappropriated the \$600.00. In mitigation, the respondent stated that the money taken was owed to him in legal fees.

Respondent's conduct was found to be in violation of MCR 9.104 (1-4); the Michigan Rules of Professional Conduct, 1.15; 8.4(a,c); and Canons 1 and 9 of the then-applicable Code of Professional Responsibility, DR 1-102(A)(1,3-6); DR 9-102(A); DR 9-102(B)(4).

The panel ordered respondent to: complete a course in continuing legal education on office management, ethics and management of an attorney trust account; establish a trust account to be monitored on a quarterly basis for a period of one year; and make restitution to his clients in the amount of \$600.00, as well as discharging the remainder of their bill. Costs were assessed in the amount of \$344.58.