

FINAL NOTICE OF REPRIMAND
(With Condition)

Case No. 03-80-GA

Notice Issued: August 12, 2005

Kenneth Williams, P 55790, Bloomfield Hills, Michigan, by the Attorney Discipline Board, affirming Tri-County Hearing Panel #76's order of reprimand.

1. Reprimand
2. Effective June 8, 2004

The hearing panel found that respondent, unable to contact opposing counsel by telephone to obtain agreement to adjourn a pre-trial hearing, signed or caused to be signed, opposing counsel's name on a stipulated order of adjournment which was submitted to the court. A copy of the stipulation was mailed to opposing counsel. The cover letter advised that, "due to the fact that my office has been unable to contact you, I have signed your name to the attached stipulation and forwarded [it] to the court." The panel found that the respondent submitted the stipulation without the prior knowledge or consent of opposing counsel and that he failed to appear at two pre-trial hearings, resulting in a default judgment entered against his client.

The hearing panel concluded that respondent's conduct was in violation of MCR 9.104(A)(1)-(4); and Michigan Rules of Professional Conduct 1.1(b) and (c); 1.3: 3.2; 3.3(a)(1); 3.4(b); and 8.4(a)-(c), and, by a majority, ordered that respondent be reprimanded with a condition relevant to the established misconduct. A dissenting panelist concluded that, notwithstanding the presence of mitigating factors, a suspension would have been appropriate under the ABA Standards for Imposing Lawyer Sanctions. However, the panel was unanimous in finding that respondent had a lack of intent to mislead the court.

The Grievance Administrator filed a timely petition for review, seeking an increase in discipline. Respondent filed a timely cross-petition seeking a reduction in discipline. A review hearing was held and, on July 6, 2005, the Board, noting the panel's unanimous finding regarding respondent's lack of intent to mislead the court, issued its order and opinion affirming Tri-County Hearing Panel #76's order of reprimand with condition. Total costs were assessed in the amount of \$3,078.54.