

FILED

DEC 18 1978

STATE OF MICHIGAN
ATTORNEY DISCIPLINE BOARD

ATTORNEY DISCIPLINE BOARD

In the Matter of

CLIFFORD R. WILLIAMS

File 35307-A

a Member of the State Bar of Michigan,

Respondent.

ORDER AFFIRMING THE DECISION OF THE HEARING PANEL

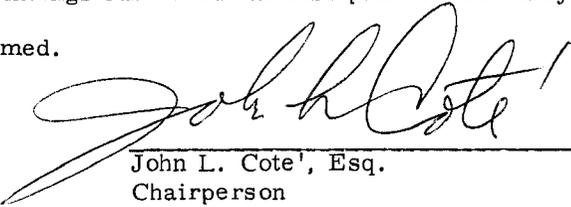
At a session of the Attorney Discipline Board of the State of Michigan held at 600 Woodward Avenue, Law Center Building, 7th Floor, Detroit, Michigan, on the 16th day of November, 1978.

PRESENT: John L. Cote', Chairperson
Lynn H. Shecter, Vice Chairperson
David B. Lewis, Secretary
Frederick G. Buesser, Jr., Board Member
William G. Reamon, Board Member

THIS CAUSE having come on to be heard upon the filing by the Grievance Administrator of the Petition for Review of the Report and Order of Oakland County Hearing Panel #8, and the Petition for Review having been considered by this Board pursuant to GCR 968, and the record having been examined and reviewed and oral argument having been taken from the parties upon the merits of the matters set forth, and the matter having otherwise been considered by this Board; and the Board having advised all parties that no lay member of the Attorney Discipline Board was present at the appeal hearing, and all parties having consented and waived any right, procedural or substantive, which they might have in regard to the presence of such lay Board members,

NOW, THEREFORE,

IT IS ORDERED that the Findings submitted and discipline rendered by said Hearing Panel are hereby affirmed.



John L. Cote', Esq.
Chairperson

DISSENT BY LYNN H. SHECTER, VICE CHAIRPERSON ATTACHED

IN THE MATTER OF CLIFFORD R. WILLIAMS
A Member of the State Bar of Michigan,
Respondent.
No. 35307-A

Decided: December 18, 1978

DISSENT BY LYNN H. SHECTER, VICE CHAIRPERSON

I respectfully dissent from the Decision of the Board in this matter. I would affirm the decision of the Hearing Panel and remand to that Panel for further consideration of what appears to be an egregious disregard of the solemnity of these proceedings.

The Hearing Panel dismissed the Grievance Administrator's allegation of violation of the Supreme Court Rules regarding standards of conduct for attorneys, specifically SCR 15.2(1)(2) which forbids conduct prejudicial to the proper administration of Justice and conduct that exposes the legal profession or the courts to obloquy, censure or reproach.

A review of the record before the Hearing Panel and consideration of the arguments submitted by Respondent before the Attorney Discipline Board discloses inconsistencies in the position taken by the Respondent in regard to the materials received by Respondent from the attorney who had represented the client involved prior to Respondent's appearance in the case in question. The transcript before the Hearing Panel includes testimony which was taken before a United States Magistrate at which time the Respondent had acknowledged that he in fact had received materials from his client's former attorney. This testimony cannot be reconciled with statements found elsewhere in the testimony before the Hearing Panel by which Respondent purports that he had never received materials from another attorney. This contradiction was not satisfactorily resolved by the answers of Respondent made to this Board. Respondent's testimony is, therefore, a manifestation of contempt on the part of the Respondent.

Respondent further noted, in oral argument before this Board, that inconsistencies in his Answer were due to his being so angry, he did not know what he was saying. While perhaps a human reaction to what he regarded as unfounded charges, it was not a lawyer's reaction, and not commensurate with the gravity of a grievance proceeding.

I would ask the Hearing Panel to review the dismissal charge in light of these and perhaps other perhaps misleading statements made by Respondent on the record. It is essential that these proceedings be conceived of and received with the same solemnity as all other Judicial and quasi-Judicial proceedings. At stake is both the status of the Bar and the confidence of the public.

The issues in this case could be construed as criticizing the Judgment of counsel in bringing motions before the Court in the principal case. Such a construction would not only be improper, it would be untrue.

This Board does not put itself in the position of second-guessing the Judgment or strategy of an attorney, and that the decision in this case is based in no way on such morning-after quarter-backing. Attorneys must be able to use their best professional Judgment in the interest of their clients, and they must not be fettered-by the fear that ethical, well-considered strategies will have to be justified to this Board.