

Use of Reprimand within MSILS:

MSILS 4.6 Lack of Candor

MSILS 6.1 False Statements, Fraud and Misrepresentation to a Tribunal

MSILS 8.0 Practice of Law in Violation of an Order of Discipline

STATE BAR OF MICHIGAN POSITION By vote of the Representative Assembly on April 16, 2005

- (a) MSILS 4.6, 6.1 and 8.0 should provide for reprimand as a sanction when a lawyer negligently: (i) fails to provide a client with accurate or complete information [MSILS 4.6], (ii) determines whether statements or documents submitted to a tribunal are false or takes remedial action when material information is being withheld [MSILS 6.1], and (iii) practices law in violation of the terms of a disciplinary order [MSILS 8.0].
- (b) MSILS 4.6, 6.1 and 8.0 should state that reprimand is generally not an appropriate sanction when a lawyer engages in fraud, deceit, false statements or misrepresentation toward a client or tribunal or practices law in violation of the terms of a disciplinary order.

Synopsis

The Supreme Court version proposes an Alternative A and B for MSILS 4.6, 6.1 and 8.0, addressing whether reprimand is an available sanction. Alternative A (ADB version) provides for reprimand as an available sanction. Alternative B (Campbell version) states that reprimand is generally not an appropriate sanction.

ADB Version

The ADB version provides for reprimand as a lesser sanction for a lawyer's negligent actions.

Campbell Version

The Campbell version states that reprimand is "generally not appropriate" as an available sanction when a lawyer engages in fraud, deceit, false statements or misrepresentation toward a client or tribunal or practices law in violation of the terms of a disciplinary order.