

MSILS 5.2
Failure to Maintain the Public Trust

STATE BAR OF MICHIGAN POSITION
By vote of the Representative Assembly on January 22, 2005

MSILS 5.2 should provide for reprimand when a lawyer:

- (a) Engages in criminal conduct but whose actions do not qualify for disbarment.
- (b) Engages in criminal conduct (but whose actions do not qualify for disbarment) or conduct involving dishonesty, fraud, deceit, or knowing misrepresentation or an isolated instance of simple negligence AND that reflects adversely on the lawyer's fitness to practice

Synopsis

The Supreme Court version proposes two separate and exclusive versions of MSILS 5.2. Alternative A (Cambell version) requires criminal conduct for reprimand. Alternative B (ADB version) proposes reprimand for a broader range of misconduct, including dishonesty, fraud, deceit or knowing misrepresentation, simple negligence and an isolated act.

ADB Version

The ADB version (Alternative B) proposes reprimand for a broader range of misconduct, including dishonesty, fraud, deceit or knowing misrepresentation, simple negligence and an isolated act.

Campbell Version

The Campbell version (Alternative A) proposes reprimand for criminal conduct only, when the criminal conduct does not qualify for disbarment.