

Disbarment (By Consent)

Michael Aho Kennedy, P24034, Petoskey, by the Attorney Discipline Board, Emmet County Hearing Panel #2, effective March 13, 2015.

The respondent and the grievance administrator filed a stipulation for a consent order of discipline, in accordance with MCR 9.115(F)(5), which was approved by the Attorney Grievance Commission and accepted by the hearing panel. Based on the respondent's plea of no contest, the hearing panel found that the respondent failed to promptly notify his client when funds in which the client had an interest were received, in violation of MRPC 1.15(b)(1); failed to promptly

pay or deliver any funds that the client was entitled to receive, in violation of MRPC 1.15(b)(3); failed to hold his client's property separate from his own property and failed to identify and appropriately safeguard his client's funds, in violation of MRPC 1.15(d); knowingly disobeyed an obligation under the rules of a tribunal, in violation of MRPC 3.4(c); engaged in conduct involving dishonesty, fraud, deceit, misrepresentation, or violation of the criminal law, where such conduct reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer, contrary to MRPC 8.4(b); engaged in conduct that violates a criminal law of a state or of the United States, including but not limited to MCL 750.174 (embezzlement), and

MCL 750.362 (larceny by conversion), contrary to MCR 9.104(5); and breached his fiduciary duties under the Estates and Protected Individuals Code as a trustee, in violation of MCL 700.1308 (breach of fiduciary duty), MCL 700.1502 (prudent investor rule), MCL 700.1506 (invest and manage fiduciary assets solely in the interest of beneficiaries), MCL 700.7801 (administer trust in good faith), MCL 700.7802 (duty of loyalty), and MCL 700.7803 (prudent investor rule applicable to trust). The panel also found that the respondent violated MRPC 8.4(a) and MCR 9.104(2)–(4).

In accordance with the stipulation of the parties, the hearing panel ordered that the respondent be disbarred from the practice of law in Michigan. Costs were assessed in the amount of \$1,141.71.

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Automatic Reinstatement for Payment of Costs

Susan M. Eifler, P57222, Battle Creek, effective February 13, 2015.

In accordance with MCR 9.128(D), the respondent's license to practice law in Michigan was automatically suspended on December 16, 2014, for failure to pay costs as ordered in *Grievance Administrator v Susan M. Eifler*, Case No. 14-54-GA, and until payment of costs and the filing of affidavits of compliance, in accordance with MCR 9.119 and MCR 9.123(A).

The costs have been reimbursed to the State Bar of Michigan and, in accordance with MCR 9.123(A), the suspension was terminated with the respondent's filing of an affidavit of compliance with the clerk of the Michigan Supreme Court on February 13, 2015.

Reinstatements (With Conditions)

Jonathan S. Baker, P45707, North Muskegon, by the Attorney Discipline Board, Muskegon County Hearing Panel #2, effective March 3, 2015.

The respondent has been suspended from the practice of law in Michigan since December 19, 2001. His petition for reinstatement, filed in accordance with MCR 9.123(B) and MCR 9.124, was granted by Muskegon County Hearing Panel #2, which concluded that the petitioner had satisfactorily

DUTY TO REPORT AN ATTORNEY'S CRIMINAL CONVICTION

All Michigan attorneys are reminded of the reporting requirements of **MCR 9.120(A)** when a lawyer is convicted of a crime:

What to Report:

A lawyer's conviction of any crime, including misdemeanors. A conviction occurs upon the return of a verdict of guilty or upon the acceptance of a plea of guilty or no contest.

Who Must Report:

Notice must be given by all of the following:

1. The lawyer who was convicted;
2. The defense attorney who represented the lawyer; and
3. The prosecutor or other authority who prosecuted the lawyer.

When to Report:

Notice must be given by the lawyer, defense attorney, and prosecutor within **14 days** after the conviction.

Where to Report:

Written notice of a lawyer's conviction must be given to:

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Attorney Grievance Commission
Buhl Building, Ste. 1700
535 Griswold, Detroit, MI 48226
and

Attorney Discipline Board
211 W. Fort Street, Ste. 1410
Detroit, MI 48226

established his eligibility for reinstatement, in accordance with those court rules. The panel also issued an order of eligibility for reinstatement with conditions to be met before the petitioner could be reinstated to the practice of law in Michigan.

The Board received written proof of the petitioner's compliance with those conditions and an order of reinstatement with conditions, effective March 3, 2015, was issued by the Board. Total costs were assessed in the amount of \$1,954.05.

Edward W. Fisher, P30948, Shelby Township, by the Attorney Discipline Board, Tri-County Hearing Panel #105, effective March 13, 2015.

The respondent has been disbarred from the practice of law in Michigan since July 3, 2008. His petition for reinstatement, filed in accordance with MCR 9.123(B) and MCR 9.124, was granted by Tri-County Hearing Panel #105, which concluded that the petitioner had satisfactorily established his eligibility for reinstatement, in accordance with those court rules. The panel also issued an order of eligibility for reinstatement with conditions to be met before the petitioner could be reinstated to the practice of law in Michigan.

The Board received written proof of the petitioner's compliance with those conditions and an order of reinstatement with conditions, effective March 13, 2015, was issued by the Board. Total costs were assessed in the amount of \$2,055.58.

Reprimand and Restitution (By Consent)

Douglas A. McKinney, P35430, Auburn Hills, by the Attorney Discipline Board, Tri-County Hearing Panel #80, effective March 25, 2015.

The respondent and the grievance administrator filed a stipulation for a consent order of discipline, in accordance with MCR 9.115(F)(5), which was approved by the Attorney Grievance Commission and accepted by the hearing panel. Based on the respondent's admissions to the factual allegations contained in paragraphs 1–16 in Count One, and his guilty plea to the rule violations contained in subparagraphs 17(a)–(d)

in Count One, the panel found that the respondent neglected his client's legal matter, in violation of MRPC 1.1(c); failed to act with reasonable diligence and promptness on his client's behalf, in violation of MRPC 1.3; failed to keep his client reasonably informed regarding the status of a legal matter and respond promptly to reasonable requests for information, in violation of MRPC 1.4(a); and failed to refund an unearned attorney fee paid in advance, in violation of MRPC 1.16(d).

In accordance with the stipulation of the parties, the hearing panel ordered that the respondent be reprimanded. The panel also ordered the respondent to pay restitution in

the amount of \$4,000. Costs were assessed in the amount of \$840.65.

Reprimands With Conditions (By Consent)

Kevin S. Anderson, P48851, St. Joseph, by the Attorney Discipline Board, Kalamazoo County Hearing Panel #4, effective February 20, 2015.

The respondent and the grievance administrator filed a stipulation for a consent order of discipline, in accordance with MCR 9.115(F)(5), which was approved by the Attorney Grievance Commission and accepted by the hearing panel. The respondent was

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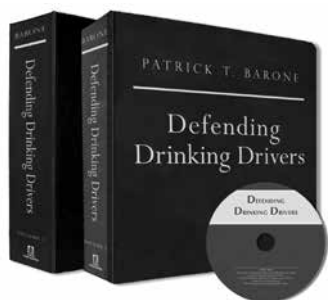
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convicted of operating with a high blood alcohol content, a misdemeanor, in violation of MCL 257.625(1)(C), in the 5th District Court.

Based on the respondent's conviction and his admission in the stipulation for consent order of discipline, the panel found that the respondent engaged in conduct that violated the criminal laws of the state of Michigan, contrary to MCR 9.104(5).

In accordance with the stipulation of the parties, the hearing panel ordered that the respondent be reprimanded and be subject to conditions relevant to the established misconduct. Costs were assessed in the amount of \$762.96.

Freddy E. Sackllah, P64888, Canton, by the Attorney Discipline Board, Tri-County Hearing Panel #25, effective March 20, 2015.

The respondent and the grievance administrator filed a stipulation for a consent order of discipline, in accordance with MCR 9.115(F)(5), which was approved by the Attorney Grievance Commission and accepted by the hearing panel. Based on the respondent's plea of no contest, the panel found that the respondent handled a civil matter which he knew or should have known that he was not competent to handle, in violation of MRPC 1.1 (a); and handled the matter without preparation adequate in the circumstances, in violation of MRPC 1.1(b). The panel also found that the respondent violated MRPC 8.4(a) and (c) and MCR 9.104(1), (2), and (4).

In accordance with the stipulation of the parties, the hearing panel ordered that the respondent be reprimanded. The panel also ordered that the respondent shall be subject to a condition relevant to the alleged misconduct. Costs were assessed in the amount of \$758.45.

Suspensions

Thomas F. Griffith, P45532, Farmington Hills, by the Attorney Discipline Board, Tri-County Hearing Panel #51, for 180 days, effective March 19, 2015.

The respondent was in default for his failure to file an answer to the formal complaint and he did not appear at the hearing. Based on the respondent's default, the

hearing panel found that the respondent, in a disability matter, failed to act with reasonable diligence and promptness on his client's behalf, in violation of MRPC 1.3; failed to keep his client reasonably informed regarding the status of her legal matter and respond promptly to reasonable requests for information, in violation of MRPC 1.4(a); failed to return client property and documents which his client was entitled to receive, in violation of MRPC 1.16(d); and failed to respond to a lawful demand of a disciplinary authority, in violation of MRPC 7.1(a)(2). The panel also found that the respondent violated MCR 9.104(2) and (3).

The hearing panel ordered that the respondent's license to practice law in Michigan be suspended for 180 days. Costs were assessed in the amount of \$1,689.59.

Gerald M. Zamborowski, P28122, Algonac, by the Attorney Discipline Board, affirming the hearing panel's order of suspension, for 45 days, effective February 20, 2015.

The respondent appeared at the hearing but was found to be in default for failing to file an answer to the formal complaint. Based on the respondent's default, the panel found that he neglected a legal matter, in violation of MRPC 1.1(c); failed to act with reasonable diligence and promptness in representing his client, in violation of MRPC 1.3; failed to keep his client reasonably informed about the status of his legal matter and failed to comply promptly with reasonable requests for information, in violation of MRPC 1.4(a). The panel further found that the respondent engaged in conduct prejudicial to the administration of justice, in violation of MRPC 8.4(c) and MCR 9.104(1); conduct that exposed the legal profession to obloquy, contempt, censure, or reproach, in violation of MCR 9.104(2); conduct which violated the standards or rules of professional responsibility adopted by the Supreme Court, contrary to MCR 9.104(4); and failed to timely answer a request for investigation, in violation of MCR 9.104(7) and MCR 9.113(A) and (B)(2).

The hearing panel ordered that the respondent's license to practice law be suspended for 45 days. The respondent filed a petition for review and stay of discipline. The stay of discipline was automatically

granted and, upon review, the Attorney Discipline Board affirmed the hearing panel's order of suspension. Total costs were assessed in the amount of \$2,309.24.

Suspension and Restitution

Perry B. Thompson, P66464, Lansing, by the Attorney Discipline Board, Ingham County Hearing Panel #5, for one year, effective March 18, 2015.¹

The respondent failed to appear at the hearing and the panel suspended his license, effective January 20, 2015, pursuant to MCR 9.115(H)(1). Additionally, the respondent was found to be in default for his failure to file an answer to the formal com-

plaint. Based on the respondent's default, the hearing panel found that he neglected a bankruptcy matter, in violation of MRPC 1.1(c); failed to act with reasonable diligence and promptness, in violation of MRPC 1.3; failed to refund any advance payment of fee that had not been earned upon termination, in violation of MRPC 1.16(d); and failed to answer a request for investigation, in violation of MCR 9.104(7) and MCR 9.113(A) and (B)(2). The panel also found that the respondent had violated MRPC 8.4(a) and (c) and MCR 9.104(1)-(4).

The hearing panel ordered that the respondent's license to practice law in Michigan be suspended for one year. The panel also ordered the respondent to pay \$3,000



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in restitution. Total costs were assessed in the amount of \$1,785.82.

1. The respondent has been continuously suspended from the practice of law in Michigan since January 20, 2015. Please see notice of interim suspension pursuant to MCR 9.115(H)(1), issued January 21, 2015.

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Suspension and Restitution (By Consent)

James M. O'Briant, P41156, East Lansing, by the Attorney Discipline Board, Ingham County Hearing Panel #4, for one year, effective January 21, 2015.

The respondent and the grievance administrator filed a stipulation for a consent order of discipline, in accordance with MCR 9.115(F)(5), which was approved by the Attorney Grievance Commission and accepted by the hearing panel. Based on the respondent's admissions, the panel found that the respondent, in four separate legal matters, neglected the matters, in violation of MRPC 1.1(c); failed to seek the lawful objectives of his clients, in violation of MRPC 1.2(a); and failed to act with reasonable diligence and promptness, in violation of MRPC 1.3. In three of those four legal matters, the respondent failed to keep his clients reasonably informed about the status of their matters, in violation of MRPC 1.4(a); and failed to explain the matters to the extent reasonably necessary to permit his clients to make informed decisions regarding their representation, in violation of MRPC 1.4(b). In one of those four matters, the respondent failed to take reasonable steps to protect his client's interests upon termination of the representation, in violation of MRPC 1.16(d). In a fifth legal matter, the respondent entered into a business transaction with his client where: a) the terms were not fully disclosed and transmitted to the client in writing; and b) the client did not consent thereto in writing, in violation of MRPC 1.8(a)(1) and (3). The panel further found that the respondent violated MRPC 8.4(a) and (c); and MCR 9.104(1)–(4).

The hearing panel ordered that the respondent's license to practice law in Michigan be suspended for one year, effective January 21, 2015, as stipulated by the parties, and that he pay restitution in the aggregate amount of \$18,000. Total costs were assessed in the amount of \$806.47.

Final Suspension and Restitution

Matthew Charles Justice, P71390, Plainwell, by the Attorney Discipline Board, affirming the hearing panel's order of suspension and restitution and modifying findings

of misconduct, for 180 days, effective August 21, 2014.¹

The respondent appeared at the hearing but was found to be in default for his failure to file an answer to the formal complaint. Based on that default, the hearing panel found that the respondent committed the professional misconduct as alleged in Formal Complaint 14-39-GA. (Please see notice of suspension and restitution (pending appeal), issued on August 26, 2014.)

The panel ordered that the respondent's license to practice law in Michigan be suspended for 180 days and that he pay restitution in the aggregate amount of \$4,411.

The respondent filed a petition for review and motion for a stay of discipline. On August 22, 2014, the Attorney Discipline Board denied the respondent's motion for stay and modified the order of discipline as to the payment of costs and restitution.

Upon review, the Attorney Discipline Board affirmed the hearing panel's order of suspension and restitution, but modified the findings of misconduct to dismiss the allegations that the respondent had engaged in dishonesty, fraud, deceit, and misrepresentation, in violation of MRPC 8.4(b); and engaged in conduct that is contrary to justice, ethics, honesty, or good morals, in violation of MCR 9.104(3). Total costs were assessed in the amount of \$2,069.87.

1. The respondent has been continuously suspended from the practice of law in Michigan since August 21, 2014. Please see notice of suspension and restitution (pending appeal), issued on August 26, 2014.

Suspension and Restitution With Conditions (Pending Appeal)

Donna L. Jaaskelainen, P49751, Calumet, by the Attorney Discipline Board, Upper Peninsula County Hearing Panel #1, for 179 days, effective March 18, 2015.

The respondent appeared at the hearing but was in default because she failed to file an answer to the formal complaint. Based on the respondent's default, the hearing panel found that she neglected three legal matters, in violation of MRPC 1.1(c); failed to seek the lawful objectives of her clients, in violation of MRPC 1.2(a); failed to act with reasonable diligence and promptness, in violation of MRPC 1.3; failed to keep her

clients reasonably informed of the status of their matters, in violation of MRPC 1.4(a); failed to explain the matters to her clients to the extent necessary for the clients to make informed decisions regarding their representation, in violation of MRPC 1.4(b); and failed to answer three requests for investigation, in violation of MCR 9.113(A) and MRPC 8.1(a)(2). In two of the three matters, the respondent failed to surrender papers the clients were entitled to receive, in violation of MRPC 1.16(d); and in one of those two matters, the respondent failed to promptly render a full accounting of client funds upon request, in violation of MRPC 1.15(b)(3); and failed to refund the unearned portion of an advance fee, in violation of MRPC 1.16(d). The panel also found that the respondent violated MRPC 8.4(a) and (c) and MCR 9.104(1)–(4).

The hearing panel ordered that the respondent's license to practice law in Michigan be suspended for 179 days and that she pay \$2,000 in restitution and be subject to conditions relevant to the established misconduct. The grievance administrator filed a petition for review, seeking an increase in discipline, and this matter will be scheduled for hearing before the Attorney Discipline Board.

Suspension (By Consent)

Craig A. Aronoff, P57997, Keego Harbor, by the Attorney Discipline Board, Tri-County Hearing Panel #55, for 30 days, effective March 14, 2015.

The respondent and the grievance administrator filed a stipulation for a consent order of discipline, in accordance with MCR 9.115(F)(5), which was approved by the Attorney Grievance Commission and accepted by the hearing panel. The respondent admitted that he was in default for failing to file an answer to the formal complaint and that the allegations in the complaint are deemed to be admitted. Based on the default, the panel found that the respondent neglected a legal matter entrusted to him, in violation of MRPC 1.1(c); failed to seek his clients' lawful objective through reasonably available means permitted by law, in violation of MRPC 1.2(a); failed to act with reasonable diligence and promptness

in representing his clients, in violation of MRPC 1.3; failed to adequately communicate with his clients, in violation of MRPC 1.4(a) and (b); failed to surrender papers and property to which his clients were entitled and failed to refund an unearned fee upon termination of the representation, in violation of MRPC 1.16(d); failed to answer a request for investigation, in violation of MCR 9.104(7) and MCR 9.113(A) and (B) (2); and knowingly failed to respond to a lawful demand for information from a disciplinary authority, in violation of MRPC 8.1(a)(2). The panel also found that the respondent violated MRPC 8.4(a) and (c) and MCR 9.104(1)–(4).

In accordance with the stipulation of the parties, the hearing panel ordered that the respondent's license to practice law in Michigan be suspended for 30 days, effective March 14, 2015. Total costs were assessed in the amount of \$798.39.

Final Suspension

William C. Roush, P23444, Birmingham, by the Attorney Discipline Board, increasing discipline from 133 days to 180 days and vacating conditions, effective October 7, 2014.¹

The hearing panel found that the respondent was convicted, by guilty plea, of violating MCL 750.335(a)(2)(b), a misdemeanor, in the Oakland County Circuit Court. The respondent's conduct was found to have violated a criminal law of a state or of the United States, contrary to MCR 9.104(5).

The panel ordered that the respondent's license to practice law in Michigan be suspended for 133 days and that he be subject to conditions relevant to the established misconduct. The grievance administrator filed a petition for review, seeking an increase in discipline. The respondent did not file a motion for stay of discipline.

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76 Orders of Discipline and Disability

On March 3, 2015, the Attorney Discipline Board, upon review, ordered that the discipline in this matter be increased to a 180-day suspension of the respondent's license to practice law in Michigan, retroactive to October 7, 2014. The Board also ordered that the conditions imposed by the hearing panel be vacated in their entirety. Total costs were assessed in the amount of \$1,091.38.

1. The respondent has been continuously suspended from the practice of law in Michigan since October 7, 2014. Please see notice of suspension with conditions (pending appeal), issued on October 13, 2014.

Automatic Suspension for Nonpayment of Costs

Kimberly A. Kirchoff, P62870, Sandusky, effective February 24, 2015.

The respondent was ordered to pay costs by February 11, 2015, in *Grievance Administrator v Kimberly A. Kirchoff*, Case No. 14-56-GA. The respondent has failed to pay the costs as ordered.

In accordance with MCR 9.128(D), the respondent's license to practice law in Michigan was automatically suspended on February 24, 2015, and will remain suspended until the costs have been paid and the respondent has complied with MCR 9.119 and MCR 9.123(A).

Suspension (With Conditions)

John Oren Waters, P66412, Grand Rapids, by the Attorney Discipline Board, Kent County Hearing Panel #2, for four years, effective September 14, 2012.¹

The grievance administrator filed a petition for order to show cause on August 14, 2014, seeking additional discipline for the respondent's failure to comply with the hearing panel's order of suspension and restitution with conditions (by consent), issued June 19, 2013. The respondent appeared at the show cause hearing held on December 17, 2014.

Based on the stipulation of the parties to the factual allegations contained in the petition and the respondent's admissions, the panel found that the respondent failed to comply with the conditions of its order of June 19, 2013, which warrants the imposition of further discipline.

The hearing panel ordered that the respondent's license to practice law in Michigan be suspended for four years, retroactive to September 14, 2012. The hearing panel also ordered that the respondent comply with the conditions and restitution provisions which were originally ordered, with some modifications. Total costs were assessed in the amount of \$1,938.41.

1. The respondent has been continuously suspended from the practice of law in Michigan since September 14, 2012. Please see notice of automatic interim suspension, issued September 28, 2012.

Suspension With Conditions (By Consent)

Linda L. Kowalczyk, P45878, Troy, by the Attorney Discipline Board, Tri-County Hearing Panel #65, for 179 days, effective May 1, 2015.

The respondent and the grievance administrator filed a stipulation for a consent order of discipline, in accordance with MCR 9.115(F)(5), which was approved by the Attorney Grievance Commission and accepted by the hearing panel. Based on the respon-

dent's admissions, the hearing panel found that she neglected a number of legal matters, in violation of MRPC 1.1(c); failed to act with reasonable diligence and promptness in representing her clients, in violation of MRPC 1.3; failed to keep her clients reasonably informed about the status of their matters or comply promptly with reasonable requests for information, in violation of MRPC 1.4(a); failed to explain the matters to the extent reasonably necessary to permit her clients to make informed decisions regarding the representation, in violation of MRPC 1.4(b); and failed to take reasonable steps to protect her clients' interests or to refund any unearned fee upon termination of representation, in violation of MRPC 1.16(d). The panel also found that the respondent violated MRPC 8.4(a) and (c), and MCR 9.104(1)–(4).

In accordance with the stipulation of the parties, the hearing panel ordered that the respondent's license to practice law in Michigan be suspended for 179 days, effective May 1, 2015, as stipulated by the parties. Total costs were assessed in the amount of \$759.29.



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