

Automatic Reinstatements

Terence G. Hoerman, P48685, Detroit, effective September 17, 2015.

The respondent was suspended from the practice of law in Michigan for 60 days, effective July 15, 2015. In accordance with MCR 9.123(A), the suspension was terminated with the respondent's filing of an affidavit of compliance with the Michigan Supreme Court on September 17, 2015.

Peter S. Tangalos, P52969, Birmingham, effective October 13, 2015.

The respondent was suspended from the practice of law in Michigan for 60 days, effective August 12, 2015. In accordance with

MCR 9.123(A), the suspension was terminated with the respondent's filing of an affidavit of compliance with MCR 9.123(A) on October 13, 2015.

Reinstatement (With Conditions)

Bruce R. Redman, P46958, Birmingham, by the Attorney Discipline Board, Tri-County Hearing Panel #65, effective October 5, 2015.

The petitioner has been suspended from the practice of law in Michigan since June 1, 2014. His petition for reinstatement, filed in accordance with MCR 9.123(B) and MCR 9.124, was granted by Tri-County Hearing Panel #65, which concluded that the peti-

tioner had satisfactorily established his eligibility for reinstatement in accordance with those court rules. The panel issued an order of eligibility for reinstatement with a condition 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 that condition and issued an order of reinstatement with conditions on October 5, 2015. Total costs were assessed in the amount of \$785.93.

Reprimand (By Consent)

Ron W. Kimbrel, P32786, Kalamazoo, by the Attorney Discipline Board, Kalamazoo County Hearing Panel #2, effective October 10, 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 conviction and his acknowledgment contained in the stipulation of the parties, 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. Costs were assessed in the amount of \$785.88.

Suspension and Restitution

Marvin Barnett, P34033, Detroit, by the Attorney Discipline Board, Tri-County Hearing Panel #27, for three years, effective October 3, 2015.

The three formal complaints were consolidated for hearing and the respondent filed answers to each complaint and appeared at the hearings. The hearing panel found that the respondent neglected a legal matter, in violation of MRPC 1.1(c); failed to seek the lawful objectives of his client through reasonably available means permitted by law, in violation of MRPC 1.2(a); failed to act with reasonable diligence, in violation of MRPC 1.3; failed to communicate with his client, in violation of MRPC 1.4(a) and (b); failed to keep client funds

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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:

Grievance Administrator
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

separate from his business funds, in violation of MRPC 1.15(c); failed to deposit client funds into an IOLTA account, in violation of MRPC 1.15(g); requested a person other than his client to refrain from voluntarily giving relevant information to another party, in violation of MRPC 3.4(f); used means that have no substantial purpose other than to embarrass, delay, or burden a third person, or used methods of obtaining evidence that violated the legal rights of such a person, contrary to MRPC 4.4; and failed to treat with courtesy and respect all persons involved in the legal process, in violation of MRPC 6.5(a). The panel also found that the respondent failed to provide information demanded by the grievance administrator, in violation of MRPC 8.1(a)(2); engaged in conduct which violated the Michigan Rules of Professional Conduct, contrary to MRPC 8.4(a); engaged in conduct which involved 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 prejudicial to the administration of justice, in violation of MCR 9.104(1); exposed the legal profession or the courts to obloquy, contempt, censure, or reproach, in violation of MCR 9.104(2); engaged in conduct that is contrary to justice, ethics, honesty, or good morals, in violation of MCR 9.104(3); violated the standards or rules of professional responsibility adopted by the Supreme Court, contrary to MCR 9.104(4); engaged in conduct that violates a criminal law of a state and the United States, to wit, MCL 750.122(3) and (6), contrary to MCR 9.104(5); made knowing misrepresentations of facts or circumstances in his answer to the request for investigation, in violation of MCR 9.104(6); and made misrepresentations in his answer to the request for investigation, in violation of MCR 9.113(A).

The hearing panel ordered that the respondent's license to practice law in Michigan be suspended for three years and that he pay restitution in the aggregate amount of \$67,500. The respondent filed a motion to stay the effective date of the order of suspension and restitution, but that motion was denied by the panel on October 2, 2015. Total costs were assessed in the amount of \$8,425.35.

Suspension and Restitution (By Consent)

David J. Vink, P66399, Sugar Hill, Georgia, by the Attorney Discipline Board, Tri-County Hearing Panel #67, for 180 days, effective September 16, 2015.

The respondent and the grievance administrator filed a stipulation for a consent order of discipline, which was approved by the Attorney Grievance Commission and accepted by the hearing panel. The stipulation contained the respondent's admissions to the factual allegations and allegations of professional misconduct contained in the amended formal complaint, and his admission that he was convicted by guilty plea in

the Recorder's Court of Gwinnett County, Georgia, for the misdemeanor offense of driving under the influence. Based on the respondent's admissions, the hearing panel found that the respondent engaged in conduct that violated the criminal laws of the state of Michigan, contrary to MCR 9.104(5). The panel further found that the respondent neglected four legal matters, in violation of MRPC 1.1(c); failed to act with reasonable diligence and promptness on the behalf of three clients, in violation of MRPC 1.3; failed to keep four clients reasonably informed regarding the status of their legal matters and respond promptly to reasonable requests for information, in violation of MRPC 1.4(a); failed to refund an unearned attorney fee

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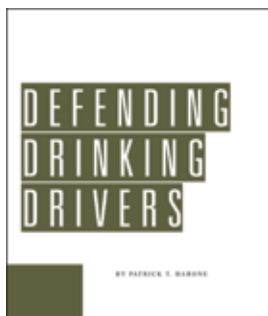
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AUTHOR: PATRICK T. BARONE

Patrick T. Barone has an "AV" (highest) rating from *Martindale-Hubbell*, and since 2009 has been included in the highly selective *U.S. News & World Report's America's Best Lawyers*, while the

Barone Defense Firm appears in their companion *America's Best Law Firms*. He has been rated "Seriously Outstanding" by *Super Lawyers*, rated "Outstanding/10.0" by AVVO, and has recently been rated as among the top 5% of Michigan's lawyers by *Leading Lawyers* magazine. Mr. Barone is the principal and founding member of The Barone Defense Firm, whose practice is limited exclusively to DUI cases including those involving injury or death.

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paid in advance, in violation of MRPC 1.16(d); engaged in conduct involving dishonesty, fraud, deceit, misrepresentation, or a violation of the criminal law where such conduct reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer, in violation of MRPC 8.4(b); engaged in conduct which exposed the legal profession to obloquy, contempt, censure, and/or reproach, in violation of MCR 9.104(2); and, engaged in conduct that was contrary to justice, ethics, honesty, or good morals, in violation of MCR 9.104(3).

The hearing panel, in accordance with the stipulation of the parties, 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 \$2,125. Total costs were assessed in the amount of \$825.43.

Automatic Interim Suspensions

Mark E. Harder, P41104, Harrison Township, effective September 8, 2015.

The respondent was convicted by guilty plea to one count of operating while intoxicated/impaired or with presence of controlled substance—3rd offense, a felony, in violation of MCL 257.6256D; and failure to stop after collision, a misdemeanor, in the Macomb County Circuit Court. In accordance with MCR 9.120(B)(1), the respondent's license to practice law in Michigan was automatically suspended on September 8, 2015, the date of his felony conviction.

This matter has been assigned to a hearing panel for further proceedings. The interim suspension will remain in effect until the effective date of an order filed by a hearing panel.

Steven B. Ruza, P41476, Commerce Township, effective September 4, 2015.

The respondent was convicted by a guilty plea to one count of conducting a criminal enterprise, a felony, in violation of MCL 750.159j in the 48th District Court. In accordance with MCR 9.120(B)(1), the respondent's license to practice law in Michigan was automatically suspended on September 4, 2015, the date his plea was accepted by the court.

This matter has been assigned to a hearing panel for further proceedings. The interim suspension will remain in effect until the effective date of an order filed by a hearing panel.

Interim Suspension Pursuant to MCR 9.115(H)(1)

David Lyle Haverstick, P78202, Commerce Township, by the Attorney Discipline Board, Tri-County Hearing Panel #64, effective October 9, 2015.

After being properly served with the formal complaint and the notice of hearing, the respondent failed to personally appear at the October 1, 2015 hearing. After satisfactory proofs were entered that the respondent possessed actual notice of the proceedings, the hearing panel, in accordance with MCR 9.115(H)(1), determined that the respondent's failure to appear warranted an interim suspension from the practice of law until further order of the panel.

On October 2, 2015, the panel issued an order of suspension pursuant to MCR 9.115(H)(1), effective October 9, 2015, and until further order of the panel or the Board.

Interim Suspension Pursuant to MCR 9.115(H)(2)

Thomas J. Shannon, P35152, Grosse Pointe, by the Attorney Discipline Board, Tri-County Hearing Panel #14, effective September 21, 2015.

After being properly served with the formal complaint and the notice of hearing, the respondent advised the panel that he was unable to appear at the hearing because he was hospitalized. The respondent provided the panel with a letter from his doctor in support of his request. The panel ordered that the hearing be adjourned with the condition that the respondent shall file weekly proofs, beginning September 10, 2015, of his continuing medical conditions which prohibit him from attending the hearing. These proofs were to be filed with both the grievance administrator and the Attorney Discipline Board.

The Board and the grievance administrator did not receive the required proofs by September 10, 2015, and the grievance administrator filed an affidavit attesting to the

respondent's failure on September 15, 2015. On September 16, 2015, the respondent submitted a letter averring that his medical condition continues, but the panel deemed the letter insufficient compliance with their earlier order.

On September 18, 2015, the hearing panel ordered that the respondent's license to practice law in Michigan be suspended pursuant to MCR 9.115(H)(2), effective September 21, 2015.

Final Suspension (With Conditions)

Donna L. Jaaskelainen, P49751, Calumet, by the Attorney Discipline Board, increasing discipline to a 180-day suspension and modifying conditions, 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 mis-

conduct. The grievance administrator filed a petition for review, seeking an increase in discipline. After review, the Attorney Discipline Board issued an order increasing the respondent's discipline from a 179-day suspension to a 180-day suspension. The Board also modified some of the conditions ordered by the hearing panel. Total costs were assessed in the amount of \$2,440.33.

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