

## Disbarment

**George V. Cassar Jr.**, P55724, Farmington, by the Attorney Discipline Board, Tri-County Hearing Panel #63, effective October 21, 2015.

The respondent appeared at the hearing and filed an answer to the formal complaint. Upon consideration of the parties' stipulation that the respondent misappropriated approximately \$198,000 from a probate estate, the hearing panel found that the respondent failed to notify a third person when funds in which a third person had an interest were received, in violation of MRPC 1.15(b)(1); failed to promptly pay or deliver funds that a third person was entitled to receive, in violation of MRPC 1.15(b)(3); failed to hold property of cli-

ents in connection with a representation separate from the lawyer's own property and failed to appropriately safeguard those funds, in violation of MRPC 1.15(d); knowingly made a false statement of material fact or law to a third person, in violation of MRPC 4.1; engaged in conduct involving dishonesty, fraud, deceit, misrepresentation, or violation of a 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 in violation of the Michigan Rules of Professional Conduct, contrary to MRPC 8.4(a) and MCR 9.1 04(4); engaged in conduct that exposes the legal profession or the courts to obloquy, contempt, censure, or reproach, in violation of MCR 9.104(2); and, engaged in conduct that is contrary to

justice, ethics, honesty, or good morals, in violation of MCR 9.104(3).

The hearing panel ordered that the respondent be disbarred from the practice of law in Michigan. Costs were assessed in the amount of \$1,825.20.

## Reinstatement

**John J. Kennedy**, P51549, Troy, by the Attorney Discipline Board, Tri-County Hearing Panel #108, effective November 6, 2015.

The petitioner has been suspended from the practice of law in Michigan since June 30, 2014. His petition for reinstatement, filed in accordance with MCR 9.123(B) and MCR 9.124, was granted by Tri-County Hearing Panel #108, which concluded that the petitioner had satisfactorily established his eligibility for reinstatement in accordance with those court rules. The panel issued an order of eligibility for reinstatement with a specific 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 on November 6, 2015. Total costs were assessed in the amount of \$804.80.

## Automatic Reinstatement

**Stephanie A. Carson**, P57096, Detroit, effective October 14, 2015.

The respondent was suspended from the practice of law in Michigan for 45 days, effective August 26, 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 14, 2015.

## Reinstatements (With Conditions)

**James C. Scarletta**, P68858, Ann Arbor, by the Attorney Discipline Board, Tri-County Hearing Panel #51, effective October 29, 2015.

The petitioner has been suspended from the practice of law in Michigan since November 8, 2012. His petition for reinstatement, filed in accordance with MCR 9.123(B) and MCR 9.124, was granted by Tri-County Hearing Panel #51, which concluded that the petitioner had satisfactorily established

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his eligibility for reinstatement in accordance with those court rules. The panel issued an order of eligibility for reinstatement with a specific 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 29, 2015. Total costs were assessed in the amount of \$650.32.

**David K. Whipple**, P36767, West Bloomfield, by the Attorney Discipline Board, Tri-County Hearing Panel #79, effective October 14, 2015.

The petitioner has been suspended from the practice of law in Michigan since July 23, 1998. His petition for reinstatement, filed in accordance with MCR 9.123(B) and MCR 9.124, was granted by Tri-County Hearing Panel #79, which concluded that the petitioner had satisfactorily established his eligibility for reinstatement in accordance with those court rules. The panel 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 issued an order of reinstatement with conditions on October 14, 2015. Total costs were assessed in the amount of \$1,244.96.

## Reprimand

**Thomas E. Marshall**, P30633, Rochester, by the Attorney Discipline Board, Tri-County Hearing Panel #61, effective October 29, 2015.

The respondent appeared at the public hearings and filed an answer to the formal complaint. Based on the testimony and exhibits presented, the hearing panel found that the respondent practiced law while suspended, in violation of MCR 9.119(E)(1); held himself out as an attorney while suspended, in violation of MCR 9.119(E)(4); and engaged in conduct violating an order of discipline contrary to MCR 9.104(9).

The panel also found that the respondent's conduct amounted to inadvertent and technical violations of the order of suspension and ordered that he be reprimanded. Costs were assessed in the amount of \$2,243.89.

## Amended Final Reprimand and Restitution<sup>1</sup>

**Richard A. Meier**, P38204, Novi, by the Attorney Discipline Board, vacating Tri-County Hearing Panel #5's order of suspension and restitution; modifying the findings of misconduct, reducing discipline, and modifying the order of restitution, effective July 15, 2015.

The hearing panel found that the respondent committed various types of misconduct while handling the matters of two clients. The hearing panel ordered that the respondent's license to practice law be suspended for 30 days and that he pay restitution in the aggregate amount of \$8,000. The respondent petitioned for review and his suspension was stayed pending review by the Board.

Upon review, the Attorney Discipline Board modified the panel's findings of misconduct, concluding that there was adequate evidentiary support for only the finding that the respondent failed to keep a 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). The Board reduced discipline from a 30-day suspension to a reprimand and modified the order of restitution to \$4,000. Total costs were assessed in the amount of \$3,422.31.

1. Amended as to P-number only.

## Reprimand and Restitution With Conditions (By Consent)

**Caroline M. Bridges**, P42012, Negaunee, by the Attorney Discipline Board, Upper Peninsula Hearing Panel #1, effective November 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 plea, admissions, and the stipulation of the parties, the panel found that the respondent failed to communicate with her client to the extent reasonably necessary for her client to make an informed decision regarding the representation, in violation of MRPC 1.4(a); charged an excessive fee for conservatorship-like services, in violation of

MRPC 1.5(a); failed to communicate to her client the basis or rate of her fees before withdrawing funds from her IOLTA, in violation of MRPC 1.5(b); held funds in her IOLTA in which she had an interest, in violation of MRPC 1.15(a)(3); failed to promptly pay or deliver funds or other property that the client or third person was entitled to receive, in violation of MRPC 1.15(b)(3); failed to keep property in which two or more persons (one of whom may be the lawyer) claim interest in the property separate until

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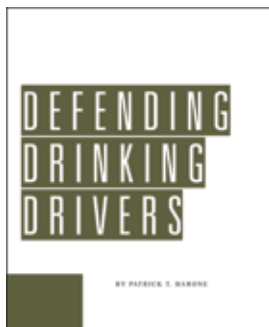
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the dispute was resolved, in violation of MRPC 1.15(c); failed to deposit all client funds into an IOLTA or non-IOLTA account, in violation of MRPC 1.15(d); had her own funds in a client trust account in an amount in excess of an amount reasonably necessary to pay financial institution service charges or fees or to obtain a waiver of service charges or fees, in violation of MRPC 1.15(f); failed to surrender papers and property to which the client was entitled upon termination of the representation, in violation of MRPC 1.16(d). 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 reprimanded and pay restitution in the amount of \$10,000. The panel also ordered that the respondent shall be subject to conditions relevant to the admitted misconduct. Costs were assessed in the amount of \$942.92.

### Reprimands (By Consent)

**Marc E. Curtis**, P59274, Muskegon, by the Attorney Discipline Board, Muskegon County Hearing Panel #2, effective November 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. The panel found that the respondent communicated with a party represented by counsel without the consent of the counsel, in violation of MRPC 4.2; and engaged in conduct which violated the standards or rules of professional responsibility adopted by the Supreme Court, contrary to MCR 9.104(4) and MRPC 8.4(a).

In accordance with the stipulation of the parties, the hearing panel ordered that the respondent be reprimanded. Costs were assessed in the amount of \$756.95.

**Jon C. Kaner**, P35169, West Bloomfield, by the Attorney Discipline Board, Tri-County Hearing Panel #79, effective October 28, 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 and the stipulation of the parties, the panel finds that the respondent engaged in conduct that exposed the legal profession or the courts to obloquy, contempt, censure, or reproach, in violation of MCR 9.104(2); and engaged in conduct contrary to justice, ethics, honesty, or good morals, in violation of MCR 9.104(3).

In accordance with the stipulation of the parties, the hearing panel ordered that the respondent be reprimanded and pay costs in the amount of \$756.95.

**Deborah H. McKelvy**, P44157, Birmingham, by the Attorney Discipline Board, Tri-County Hearing Panel #68, effective October 29, 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, admissions, and the stipulation of the parties, the panel found that the respondent handled a legal matter without preparation adequate in the circumstances, in violation of MRPC 1.1(b); failed to seek all lawful objectives of a client through reasonably available means, in violation of MRPC 1.2(a); and engaged in conduct that exposed the legal profession or the courts to obloquy, contempt, censure, or reproach, in violation of MCR 9.104(2).

In accordance with the stipulation of the parties, the hearing panel ordered that the respondent be reprimanded. Costs were assessed in the amount of \$1,415.53.

### Reprimands With Conditions (By Consent)

**Jo Robin Davis**, P31263, Farmington Hills, by the Attorney Discipline Board, Tri-County Hearing Panel #76, effective November 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. The respondent was convicted in the 4th District Court of operating while impaired, a misdemeanor, in violation of MCL 257.6253-A. Based on the

respondent's conviction and her admission contained in the stipulation for a consent order of discipline, the hearing panel found that she 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 that she be subject to conditions relevant to the established misconduct. Costs were assessed in the amount of \$756.96.

**John P. Deegan**, P55630, Petoskey, by the Attorney Discipline Board, Emmet County Hearing Panel #1, effective October 17, 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 convicted in the 86th District Court of operating while intoxicated, a misdemeanor,

in violation of MCL 257.625(1)(a). Based on the respondent's conviction and his acknowledgment contained in the stipulation of the parties, the hearing panel found that he 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 that he be subject to conditions relevant to the established misconduct. Costs were assessed in the amount of \$763.92.

### Suspensions and Restitution

**Terry R. Blundell**, P60957, Holt, by the Attorney Discipline Board, Ingham County Hearing Panel #1, for 180 days, effective November 10, 2015.<sup>1</sup>

The respondent failed to appear at the hearing, and the panel suspended his license, effective August 21, 2015, pursuant to MCR 9.115(H)(1). The respondent was also

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## 54 Orders of Discipline and Disability

found to be in default for his failure to file an answer to the formal complaint. Based on the respondent's default, the hearing panel found that he neglected a legal matter, in violation of MRPC 1.1(c); failed to seek the objectives of a client through reasonable means permitted by law, in violation of MRPC 1.2(a); failed to act with reasonable diligence and promptness, in violation of MRPC 1.3; failed to keep a client reasonably informed about the status of a matter, in violation of MRPC 1.4(a); failed to explain a matter to the extent reasonably necessary to permit the client to make an informed decision, in violation of MRPC 1.4(b); upon termination of representation, failed to refund advance payment of a fee that has not been earned, in violation of MRPC 1.16(d); failed to expedite litigation, in violation of MRPC 3.2; knowingly failed to respond to a lawful demand for information from a disciplinary authority, in violation of MRPC 8.1(a)(2); 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 violated MRPC 8.4(a) and (c) and MCR 9.104(1), (2), and (4).

The hearing panel ordered that the respondent's license to practice law be suspended for 180 days and that he pay restitution in the amount of \$750. Costs were assessed in the amount of \$1,796.84.

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

**Kimberly A. Kirchoff**, P62870, Applegate, by the Attorney Discipline Board, Tri-Valley Hearing Panel #2, for 30 days, effective October 30, 2015.<sup>1</sup>

The grievance administrator filed a petition for order to show cause on March 24, 2015, seeking additional discipline for the respondent's failure to comply with the hearing panel's December 18, 2014 order issued in *Grievance Administrator v Kimberly A. Kirchoff*, Case No. 14-56-GA. Specifically, the grievance administrator alleged that the respondent failed to pay the restitution which had been ordered. The respondent did not file an answer to the petition, but

she did appear for the hearing on May 29, 2015. After that hearing, the panel ordered the respondent to provide a statement of her assets and annual income and updated medical documentation on or before September 18, 2015. The order further provided that if the respondent failed to provide the requested documentation, and upon the filing of an affidavit from the grievance administrator attesting to the respondent's failure to provide the requested documentation, the respondent's license to practice law in Michigan would be suspended for a period of 30 days and until the restitution in the panel's December 18, 2014 order has been paid in full. On September 25, 2015, the grievance administrator filed such an affidavit.

On October 8, 2015, the panel issued an order increasing the respondent's discipline to a 30-day suspension, effective October 30, 2015, and included the condition that she would not be eligible for automatic reinstatement pursuant to MCR 9.123(A) until she has paid the restitution, in full, as ordered by the panel in its December 18, 2014 order, and has filed written proof of payment with the Attorney Discipline Board and the grievance administrator. Costs were assessed in the amount of \$2,318.96.

1. The respondent has been continuously suspended from the practice of law in Michigan since February 24, 2015. Please see notice of automatic suspension for nonpayment of costs, issued February 24, 2015.

### Final Suspension and Restitution

**Eugene A. Goreta**, P14207, Ecorse, by the Attorney Discipline Board, Tri-County Hearing Panel #3, for 180 days, effective October 21, 2014.

The respondent appeared at the hearing and filed an answer to the formal complaint. The hearing panel found that the respondent failed to promptly pay or deliver any funds or other property that a client or third person was entitled to receive, in violation of MRPC 1.15(b)(3); failed to hold separate funds or property of which two people claimed an interest, in violation of MRPC 1.15(c); failed to hold property of a third person in connection with representation separate from the lawyer's own property, in violation of MRPC 1.15(d);

made a false statement of material fact to a tribunal, in violation of MRPC 3.3; made a false statement of material fact to a third person, in violation of MRPC 4.1; and engaged in conduct involving dishonesty, fraud, deceit, and/or misrepresentation, in violation of MRPC 8.4(b). The panel also found that the respondent violated MCR 9.104(A)(2) and (3).

The hearing panel ordered that the respondent's license to practice law in Michigan be suspended for 180 days and that he pay restitution in the amount of \$5,610. The respondent filed a petition for review and a motion for stay of discipline. The Attorney Discipline Board denied the respondent's motion for stay of discipline on October 20, 2014. Upon review, the Board affirmed the hearing panel's order of suspension and restitution on April 14, 2015. The respondent filed a motion for reconsideration, which was denied by the Board on June 17, 2015. The respondent then filed an application for leave to appeal with the Michigan Supreme Court, which was denied on September 29, 2015. Total costs were assessed in the amount of \$2,156.01.

### Automatic Interim Suspension

**David K. Wenger II**, P23078, Grosse Pointe Park, by the Attorney Discipline Board, Tri-County Hearing Panel #4, effective October 20, 2015.<sup>1</sup>

The respondent's plea of guilty to corruptly influencing an official proceeding, in violation of 18 USC 1512(c), a felony, was accepted by the United States District Court, Eastern District of Michigan, Southern Division, on October 20, 2015. In accordance with MCR 9.120(B)(1), the respondent's license to practice law in Michigan was automatically suspended on 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.

1. The respondent has been continuously suspended from the practice of law in Michigan since August 26, 2015. Please see notice of suspension and restitution, issued August 26, 2015.