

PETITIONER

DANIEL NOVECK

Notice is given that **Daniel Noveck**, P28087, has filed a petition in the Michigan Supreme Court seeking reinstatement as a member of the State Bar and restoration of his license to practice law.

On December 31, 2012, the Supreme Court of California found that the petitioner signed his clients' names to their declarations, which constituted a failure to comply with California Code of Civil Procedure section 2015.5, in willful violation of Business and Professions Code section 6068(a); presented a matter to a tribunal and employed means which were inconsistent with truth when he signed his clients' declarations with signatures simulating his clients' actual signatures in order to convince the court that his clients' declarations were subscribed by them, in willful violation of Business and Professions Code section 6068(d); and failed to pay the sanctions by the dates set forth in the court's order, in willful violation of Business and Professions Code section 6103.

The Supreme Court of California suspended the petitioner's license to practice law in California for 90 days and placed him on probation for three years.

On March 8, 2013, the petitioner was ordered to show cause pursuant to MCR 9.120(C) why he should not be subject to a reciprocal order of discipline in Michigan. No objections were filed by either party in response to that order and the petitioner was found to be in default. The Attorney Discipline Board ordered that the petitioner's license to practice law in Michigan be suspended for 90 days, effective May 2, 2013, and that he be subject to a three-year period of probation. *Grievance Administrator v Daniel Noveck*, Case No. 13-30-RD.

On March 7, 2014, the grievance administrator filed a motion for order to show cause why discipline should not be increased, alleging that the petitioner continued to practice law while suspended.

On May 19, 2014, the petitioner 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 petitioner's acknowledgment,

the hearing panel found that he practiced law while still suspended, in violation of MCR 9.119(D) and (E).

In accordance with the stipulation of the parties, the hearing panel ordered that the petitioner's suspension from the practice of law be increased to a 270-day suspension, effective March 7, 2014, the date the grievance administrator filed the motion to increase discipline, and that the petitioner shall continue to be subject to the conditions previously ordered in *Grievance Administrator v Daniel Noveck*, Case No. 13-30-RD.

A hearing is scheduled for Monday, February 22, 2016, beginning at 9:30 a.m. at the office of Samuel I. Bernstein, Hearing Panel Member, 31731 Northwestern Hwy., Ste. 333, Farmington Hills, MI 48334.

Any interested person may appear at the hearing and be heard in support of or in opposition to the petition for reinstatement. Any person having information bearing on the petitioner's eligibility for reinstatement should contact:

Dina P. Dajani
Senior Associate Counsel
Attorney Grievance Commission
535 Griswold, Ste. 1700
Detroit, MI 48226
(313) 961-6585

REQUIREMENTS OF THE PETITIONER

Pursuant to MCR 9.123(B) and in the interest of maintaining the high standards imposed on the legal profession as conditions for the privilege of practicing law in this state, and of protecting the public, the judiciary, and the legal profession against

conduct contrary to such standards, the petitioner is required to establish the following by clear and convincing evidence:

1. He desires in good faith to be restored to the privilege of practicing law in this state.
2. The term of the suspension ordered has elapsed or five years have elapsed since his disbarment or resignation.
3. He has not practiced or attempted to practice law contrary to the requirement of his suspension or disbarment.
4. He has complied fully with the terms of the order of discipline.
5. His conduct since the discipline has been exemplary and above reproach.
6. He has a proper understanding of and attitude toward the standards that are imposed on members of the Bar and will conduct himself in conformity with those standards.
7. Taking into account all of the attorney's past conduct, including the nature of the misconduct that led to the disbarment or suspension, he nevertheless can safely be recommended to the public, the courts, and the legal profession as a person fit to be consulted by others and to represent them and otherwise act in matters of trust and confidence, and, in general, to aid in the administration of justice as a member of the Bar and as an officer of the court.
8. He has reimbursed or has agreed to reimburse the Client Protection Fund any money paid from the fund as a result of his conduct. Failure to fully reimburse as agreed is grounds for revocation of a reinstatement.
9. If he has been suspended for three years or more, he has been recertified by the Board of Law Examiners.

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