

Disbarment and Restitution (By Consent)

J. Kim Welch, P59766, Clarkston, by the Attorney Discipline Board, Tri-County Hearing Panel #62, effective July 3, 2014.¹

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 neglected his clients' legal matters, in violation of MRPC 1.1(c); failed to communicate with his clients to the extent reasonably necessary to permit the clients to make informed decisions

regarding the representation, in violation of MRPC 1.4(b); failed to pay or deliver funds that the client or a third party was entitled to receive, in violation of MRPC 1.15(b)(3); failed to hold his client's funds and/or funds in which a third party had interest in a client trust account and separate from his own funds, in violation of MRPC 1.15(d); failed to refund the advance payments of unearned fees to clients, in violation of MRPC 1.16(d); failed to respond to the lawful demand of the grievance administrator, in violation of MRPC 8.1(a)(2); violated or attempted to violate the Michigan Rules of Professional Conduct, contrary to MRPC 8.4(a); 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 prejudicial to the proper administration of justice, in violation of MCR 9.104(1); engaged in conduct which exposed the legal profession or the courts to obloquy, contempt, censure, or reproach, in violation of MCR 9.104(2); engaged in conduct that was contrary to justice, ethics, honesty, or good morals, in violation of MCR 9.104(3); failed to notify his clients of his suspension, in violation of MCR 9.119(A); failed to notify the court of his suspension, in violation of MCR 9.119(B); failed to file an accurate affidavit of compliance, in violation of MCR 9.119(C); and failed to answer three requests for investigation, in violation of MCR 9.104(7), MCR 9.113(A), and MCR 9.113(B)(2).

The panel ordered that the respondent be disbarred from the practice of law and that he pay restitution in the amount of \$18,206. Costs were assessed in the amount of \$937.67.

1. The respondent has been continuously suspended from the practice of law in Michigan since July 3, 2014. Please see Notice of Suspension (By Consent), issued July 3, 2014.

ATTORNEY DISCIPLINE DEFENSE

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Final Disbarment and Restitution

Alan S. Graff, P61709, Keego Harbor, by the Attorney Discipline Board, Tri-County Hearing Panel #67, effective December 2, 2015.¹

The respondent failed to appear at the hearing, and the panel suspended his license, effective September 8, 2015, pursuant to MCR 9.115(H)(1). The respondent was also 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 lawful objectives of his client by reasonably available means, in violation of MRPC 1.2(a); failed to act with reasonable diligence in the representation of a client matter, in violation of MRPC 1.3; failed to keep his client reasonably informed about the status of her matter, in violation of MRPC 1.4(a); failure to reasonably respond to his client's requests for information regarding her matter, and failed to provide her sufficient information so she could make informed decisions regarding her matter, in violation of MRPC 1.4(b); failed to refund an

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unearned fee, in violation of MRPC 1.16(d); engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation where such conduct reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer, in violation of MRPC 8.4(b); 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)–(4).

The panel ordered that the respondent be disbarred from the practice of law and that he pay restitution in the amount of \$1,245. Costs were assessed in the amount of \$1,895.44.

1. The respondent has been continuously suspended from the practice of law in Michigan since March 26, 2013. Please see Notice of Suspension and Restitution, issued March 26, 2013.

Final Disbarment

Damika L. Pace-Byrd, P60446, Flint, by the Attorney Discipline Board, Genesee County Hearing Panel #1, effective January 8, 2016.¹

The respondent failed to appear at the hearing and the panel suspended her license, effective November 30, 2015, pursuant to MCR 9.115(H)(1). The respondent was also found to be in default for her failure to file an answer to the formal complaint. Based on the respondent's default, the hearing panel found that she neglected a legal matter, in violation of MRPC 1.1(c); failed to act with reasonable diligence and promptness, in violation of MRPC 1.3; engaged in conduct in violation of the Michigan Rules of Professional Conduct, contrary to MRPC 8.4(a) and MCR 9.104(4); engaged in conduct that was prejudicial to the administration of justice, in violation of MRPC 8.4(c) and MCR 9.104(1); engaged in conduct which exposed the legal profession or the courts to obloquy, contempt, censure, 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 panel ordered that the respondent be disbarred from the practice of law in Michigan. Costs were assessed in the amount of \$1,767.16.

1. The respondent has been continuously suspended from the practice of law in Michigan since May 8, 2013. Please see Notice of Suspension and Restitution, issued May 9, 2013.

Automatic Reinstatements

Evan A. Dixon, P45738, Hancock, effective December 14, 2015.

The respondent was suspended from the practice of law in Michigan for 179 days, effective June 1, 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 December 14, 2015.

Emmett D. Greenwood, P56556, Detroit, effective December 11, 2015.

The respondent was suspended from the practice of law in Michigan for 150 days, effective August 9, 2014. 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 December 11, 2015.

Reinstatements (With Conditions)

David M. Foster, P30041, Farmington Hills, by the Attorney Discipline Board, Tri-County Hearing Panel #60, effective December 4, 2015.

The petitioner has been suspended from the practice of law in Michigan since November 24, 2012. His petition for reinstatement, filed in accordance with MCR 9.123(B) and MCR 9.124, was granted by Tri-County Hearing Panel #60, 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 with conditions on December 4, 2015. Total costs were assessed in the amount of \$1,844.86.

Francis N. Soave, P41167, Grosse Pointe Woods, by the Attorney Discipline Board, Tri-County Hearing Panel #107, effective January 8, 2016.

The petitioner has been suspended from the practice of law in Michigan since Febru-

ary 22, 2014. His petition for reinstatement, filed in accordance with MCR 9.123(B) and MCR 9.124, was granted by Tri-County Hearing Panel #107, 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 hearing panel also imposed additional conditions which will be

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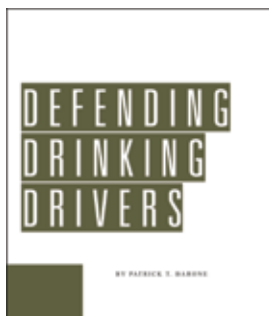
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Patrick T. Barone has an "AV" (highest) rating from *Martindale-Hubbell*, and since 2009 has been included in the highly selective *U.S. News & World Report's America's Best Lawyers*, while the

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effective upon the petitioner's active reinstatement 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 January 8, 2016. Total costs were assessed in the amount of \$292.93.

Reprimand (By Consent)

Constance L. Jones, P40995, Ann Arbor, by the Attorney Discipline Board, Washtenaw County Hearing Panel #2, effective January 5, 2016.

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 stipulation contained the respondent's admissions that she had committed acts of professional misconduct by preparing an instrument giving the lawyer or a person related to the lawyer as parent, child, sibling, or spouse any substantial gift from a client, including a testamentary gift, except where the client is related to the donee, in violation of MRPC 1.8(c).

In accordance with the stipulation of the parties, the hearing panel ordered that the respondent be reprimanded. Costs were assessed in the amount of \$757.17.

Suspensions (By Consent)

Marvin W. Smith, P41281, Ferndale, by the Attorney Discipline Board, Tri-County Hearing Panel #51, for 60 days, effective December 24, 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 admission, the hearing panel found that he failed to clearly communicate the rate or basis of his fee to his client before or within a reasonable time after beginning the representation, in violation of MRPC 1.5(b); collected a clearly excessive fee, in violation of MRPC 1.5(a); and violated or attempted to violate the Michigan Rules of Professional Conduct, contrary to MRPC 8.4(a).

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 60 days, effective December 24, 2015, as stipulated by the parties. Costs were assessed in the amount of \$1,106.32.

Antonio D. Tuddles, P64158, Detroit, by the Attorney Discipline Board, Tri-County Hearing Panel #19, for 30 days, effective February 1, 2016.

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 and admissions, the hearing panel found that he handled a legal matter which he knew or should have known he was not competent to handle, in violation of MRPC 1.1(a); handled a matter without preparation adequate in the circumstances, in violation of MRPC 1.1(b); neglected a legal matter, in violation of MRPC 1.1(c); failed to act with reasonable diligence and promptness, in violation of MRPC 1.3; and failed to keep a client reasonably informed about the status of a matter and failed to comply promptly with reasonable requests for information, in violation of MRPC 1.4(a). The panel also found that the respondent violated MRPC 9.4(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 February 1, 2016, as stipulated by the parties. Costs were assessed in the amount of \$766.90.

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

Timothy E. Leahy, P39087, Toronto, Ontario, by the Attorney Discipline Board, Tri-County Hearing Panel #24, effective December 28, 2015.

The panel issued an order of interim suspension of the respondent's license, effective December 28, 2015, based on his failure to appear at a hearing scheduled for December 21, 2015.

After being properly served with the formal complaint and the notice of hearing, the respondent failed to personally appear at the December 21, 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 December 21, 2015, the panel issued an order of suspension pursuant to MCR 9.115(H)(1), effective December 28, 2015, and until further order of the panel or the Board.

Suspension With Conditions (By Consent)

Kimberly A. Henderson, P47598, Shelby Township, by the Attorney Discipline Board, Tri-County Hearing Panel #103, for 179 days, effective December 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 admissions, she was convicted (1) for the misdemeanor offense of open intoxicants in a vehicle, in violation of MCL 257.624a, in the 87-C District Court; and (2) for the misdemeanor offense of domestic violence, in violation of MCL 750.812, in the 52-3 District Court. Based on the respondent's convictions and her admissions in the stipulation, 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's license to practice law in Michigan be suspended for 179 days, with conditions relevant to the established misconduct. Costs were assessed in the amount of \$849.34.

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