

## Disbarments

**James L. Lindon**, P64433, Avon, by the Attorney Discipline Board, Tri-County Hearing Panel #27, effective February 21, 2017.<sup>1</sup>

The respondent was convicted of aggravated theft in violation of Ohio St. § 2913.02(A)(1); drug possession in violation of Ohio St. § 2925.11; and tampering with evidence in violation of Ohio St. § 2921.12(A)(1), in *The State of Ohio v. James L. Lindon*, Cuyahoga County Court of Common Pleas Case No. 604473-16-CR. In accordance with MCR 9.120(B)(1), the respondent's license to practice law in Michigan was automatically suspended effective June 16, 2016, the date of the respondent's felony conviction. Based on the respondent's conviction, the panel found that he committed professional misconduct that violated a criminal law of a state or of the United States, contrary to MCR 9.104(5).

The panel ordered that the respondent be disbarred from the practice of law in Michigan. Total costs were assessed in the amount of \$1,639.46.

1. The respondent has been continuously suspended from the practice of law in Michigan since June 16, 2016. Please see Notice of Automatic Interim Suspension, issued August 26, 2016.

**James M. O'Briant**, P41156, Midland, Texas, by the Attorney Discipline Board, Tri-County Hearing Panel #23, effective February 9, 2017.

The respondent filed an answer to the six-count formal complaint in which he admitted almost every allegation of misconduct. Subsequently, the grievance ad-

ministrator filed a motion for summary disposition pursuant to MCR 2.116(C)(9) and MCR 9.115(A) moving for entry of judgment against the respondent, the motion was unopposed by the respondent, and then granted by the panel. Therefore, the hearing panel found that the respondent engaged in the professional misconduct as set forth in all six counts of the formal complaint.

Specifically, the panel found that the respondent handled a matter without preparation adequate in the circumstances, in violation of MRPC 1.1(b); neglected six legal matters, in violation of MRPC 1.1(c); failed to seek the lawful objective of a client, in violation of MRPC 1.2(a); failed to act with reasonable diligence and promptness in representing a client, in violation of MRPC 1.3; failed to keep a client reasonably informed about the status of a matter and comply promptly with reasonable requests for information, in violation of MRPC 1.4(a); failed to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation, in violation of MRPC 1.4(b); failed to promptly render a full accounting of client funds upon request, in violation of MRPC 1.15(b)(3); failed to refund an advance payment of fee which was not earned, in violation of MRPC 1.16(d); made a false statement of material fact to a tribunal, in violation of MRPC 3.3(a)(1); failed to notify an active client of his suspension from the practice of law, in violation of MCR 9.119(A); and failed to file a notice of disqualification with a tribunal in which he represented a client in litigation, in violation of

MCR 9.119(B). The respondent was also found to have violated MRPC 8.4(b) and (c), and MCR 9.104(1)–(3).

The panel ordered that the respondent be disbarred from the practice of law in Michigan. The respondent filed a petition for reconsideration pursuant to MCR 9.118(E) and a petition for stay of discipline pursuant to MCR 9.115(K). The respondent clarified his motion, upon request of the Board, as a motion for new trial pursuant to MCR 2.611. The motion was denied by the hearing panel. Given the respondent's assertion that he was not seeking review by the Board, his request for a stay of the effective date of the Order of Disbarment under the provisions of MCR 9.115(K) was deemed moot and no further action was taken as to the respondent's request in this regard. Costs were assessed in the amount of \$2,204.50.

**Duane S. Weed**, P25634, Grosse Pointe Woods, by the Attorney Discipline Board, Tri-County Hearing Panel #19, effective February 17, 2017.<sup>1</sup>

Based on the respondent's default for failure to file an answer to the formal complaint, the hearing panel found that the respondent committed professional misconduct in relation to his involvement as administrator of a probate estate and for his failure to answer a request for investigation.

The panel found that the respondent failed to act with reasonable diligence and promptness on a client's behalf, in violation of MRPC 1.3; failed to hold property of a client separate from his own property and failed to adequately safeguard client property, in violation of MRPC 1.15(d); failed to deposit unearned fees paid in advance in a client trust account, in violation of MRPC 1.15(g); failed to return unearned attorney fees and other funds paid in advance to the client upon termination of the representation, in violation of MRPC 1.16(d); knowingly disobeyed an order under the rules of a tribunal, in violation of MRPC 3.4(c); engaged in conduct which involved dishonesty, fraud, deceit, or misrepresentation, and/or the violation of the criminal law, contrary to MRPC 8.4(b); engaged in conduct that exposed the legal profession to obloquy, contempt, censure, and/or reproach, in violation of MCR 9.104(2); engaged in

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conduct that was contrary to justice, ethics, honesty, or good morals, in violation of MCR 9.104(3); violated or attempted to violate the Michigan Rules of Professional Conduct, contrary to MRPC 8.4(a) and MCR 9.104(4); and failed to answer a request for investigation, in violation of MCR 9.104(7) and MCR 9.113(A) and (B).

The panel ordered that the respondent be disbarred from the practice law in Michigan. Costs were assessed in the amount of \$1,863.44.

1. The respondent has been continuously suspended from the practice of law in Michigan since October 31, 2016. Please see Notice of Interim Suspension Pursuant to MCR 9.115(H)(1), issued November 1, 2016.

**Ali S. Zaidi**, P71435, Lewiston, New York, by the Attorney Discipline Board, Tri-County Hearing Panel #3, effective February 26, 2016.

The respondent was found to have engaged in the misconduct alleged in the formal complaint, which consisted of numerous instances in which the respondent had made false representations as to his education, employment history, and licensure as an attorney in other states before becoming licensed to practice in Michigan; misrepresentations on the website for his law firm, Great Lakes Law Group; and misrepresentations in his answer to a request for investigation. Specifically, the panel found that the respondent failed to provide his correct address to the State Bar, as required by Rule 2 of the Rules Concerning the State Bar of Michigan; used a form of public communication that contained a material misrepresentation of fact or omitted a fact necessary to make the statement considered as a whole not materially misleading, in violation of MRPC 7.1(a); 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 respondent was also found to have violated MCR 9.104(1)–(4); and MRPC 8.4(a) and (b).

The panel ordered that the respondent be disbarred from the practice of law in Michigan, effective February 26, 2016. The respondent filed a petition for review, along

with a request for a stay of discipline. The Board denied the respondent's request for a stay of discipline, and, upon review, affirmed the hearing panel's Order of Disbarment. Total costs were assessed in the amount of \$2,493.40.

### Amended Disbarment<sup>1</sup>

**Stephen J. Kale**, P29203, Sterling Heights, by the Attorney Discipline Board, Tri-County Hearing Panel #55, effective March 5, 2021.<sup>2</sup>

The grievance administrator filed a petition for an order to show cause on September 1, 2016, seeking additional discipline for the respondent's failure to comply with the hearing panel's Order of Disbarment and Restitution, issued February 12, 2016. The respondent was requested to provide an answer to the grievance administrator's motion by September 28, 2016. When no answer was received, an order to show cause was issued by the Board and a hearing was scheduled. The respondent failed to appear at the show cause hearing held on December 15, 2016.

Based on the evidence presented, the hearing panel found that the respondent committed professional misconduct by failing to comply with the hearing panel's February 12, 2016 Order of Disbarment and

Restitution. The respondent engaged in conduct that constituted the practice of law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, contrary to MRPC 5.5(a); engaged in conduct that constituted holding himself out to the public or otherwise representing that he was admitted to practice law in this jurisdiction, when he was not admitted to practice law in this jurisdiction, in violation of MRPC 5.5(b)(2); engaged in conduct that was in violation or an attempt to violate the Michigan Rules of Professional Conduct, contrary to MRPC 8.4(a); and engaged in conduct in violation of an order of discipline, contrary to MCR 9.104(9). The respondent was found to have also violated MCR 9.104(1)–(4) and MRPC 8.4(b) and (c).

The panel ordered that the respondent be disbarred from the practice law in Michigan. The immediate disbarment is to be served consecutively. Costs were assessed in the amount of \$1,922.07.

1. The notice issued March 23, 2017 incorrectly listed the respondent's member number with the State Bar of Michigan. The immediate notice corrects that error.
2. The respondent has been continuously suspended from the practice of law in Michigan since March 5, 2016. Please see Notice of Disbarment and Restitution, issued March 7, 2016.

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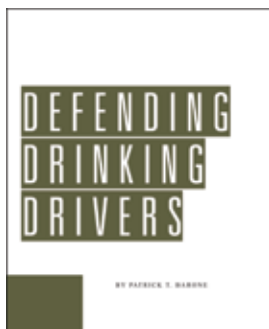
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## Disbarments and Restitution

**Sandra J. Budnick (Crutchfield)**, P41087, Westland, by the Attorney Discipline Board, Washtenaw County Hearing Panel #2, effective February 17, 2017.<sup>1</sup>

Based on the respondent's default for failure to file an answer to the formal complaint, the hearing panel found that the respondent committed professional misconduct in her representation of clients in a Financial Industry Regulatory Authority (FINRA) arbitration matter.

The panel found that the respondent neglected a legal matter entrusted to the lawyer, in violation of MRPC 1.1(c); failed to seek the lawful objectives of her clients through reasonably available means permitted by law and these rules, in violation of MRPC 1.2(a); 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 and comply promptly with reasonable requests for information, in violation of MRPC 1.4(a); failed to explain a matter 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 promptly pay or deliver funds that the clients or third persons were entitled to receive and failed to promptly render a full accounting of client or third-person funds, in violation of MRPC 1.15(b)(3); failed to hold client and third-party funds in connection with a representation separate from the lawyer's funds and failed to deposit the client or third-person funds into an IOLTA or non-IOLTA, and failed to appropriately safeguard such funds, in violation of MRPC 1.15(d); failed to deposit in a client trust account legal fees and expenses that had been paid in advance, in violation of MRPC 1.15(g); upon termination of representation, failed to refund any advance payment of fee that had not been earned, in violation of MRPC 1.16(d); misappropriated funds advanced to her by her clients for expenses and the amount of the arbitration award that was paid to her on behalf of her clients, in violation of MRPC 8.4(b); paid herself a contingent attorney fee to which she was not entitled, as she had voluntarily waived this

fee after the arbitration award was made, in violation of MRPC 1.15(B)(3) and 1.16(d); engaged in conduct that was prejudicial to the administration of justice, in violation of MCR 9.104(1) and MRPC 8.4(c); 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 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 law in Michigan. The panel also ordered that the respondent pay restitution in the amount of \$16,803.86. Costs were assessed in the amount of \$2,718.09.

1. The respondent has been continuously suspended from the practice of law in Michigan since October 28, 2016. Please see Notice of Interim Suspension Pursuant to MCR 9.115(H)(1), issued November 1, 2016.

**David J. Gorosh**, P53134, Bloomfield Hills, by the Attorney Discipline Board, Tri-County Hearing Panel #59, issued October 12, 2016. Corrected notice issued March 20, 2017.\*

The respondent was in default for his failure to file an answer to the formal complaint. The respondent appeared at the April 13, 2016 hearing and, based on the respondent's default and admissions, the hearing panel found that he committed professional misconduct in his representation of two separate clients in their criminal matters by neglecting a legal matter entrusted to him, and abandoning the representation, in violation of MRPC 1.1(c); failing to seek the lawful objectives of the client through reasonably available means permitted by law, in violation of MRPC 1.2(a); failing to act with reasonable diligence and promptness in representing a client, in violation of MRPC 1.3; failing to adequately communicate with a client, in violation of MRPC 1.4(a) and (b); failing to surrender papers or property or to refund the advance payment of a fee that had not been earned upon termination of the representation, in violation of MRPC 1.16(d); failing to make reasonable efforts to expedite litigation consistent with the interests of his client, in violation of MRPC 3.2; knowingly disobeying an obligation

under the rules of a tribunal, in violation of MRPC 3.4(c); failing in pretrial procedure to make reasonably diligent efforts to comply with a legally proper discovery request by an opposing party, in violation of MRPC 3.4(d); and failing to answer three requests for investigation, in violation of MCR 9.104(7), MCR 9.113(A), and MCR 9.113(B)(2). The respondent was also found to have violated MCR 9.104(1)–(3); and MRPC 8.4(a) and (c).

The respondent failed to appear for a sanction hearing on May 31, 2016, and the panel ordered that the respondent be disbarred from the practice law in Michigan. The panel also ordered the respondent to pay restitution in the total amount of \$15,000. Costs were assessed in the amount of \$2,118.07.

- \* In the notice issued October 12, 2016, it was stated that the respondent failed to answer two requests for investigation instead of the correct number, which is three.

### Disbarment and Restitution (With Condition)

**Thomas J. Shannon**, P35152, Grosse Pointe, by the Attorney Discipline Board, increasing discipline from suspension to disbarment and affirming restitution with condition, effective August 27, 2016.<sup>1</sup>

The respondent was found to have engaged in the misconduct alleged in the two-count formal complaint. Specifically, he accepted a retainer after an order of discipline was entered, in violation of MCR 9.119(D); failed to notify his client of his suspension, in violation of MCR 9.119(A); failed to file with the tribunal and all parties in contested litigation a notice of disqualification from

the practice of law, in violation of MCR 9.119(B); held himself out as an attorney, in violation of MCR 9.119(E)(4); violated an order of discipline, contrary to MCR 9.104(9); engaged in conduct involving dishonesty, fraud, deceit, misrepresentation, or violation of the criminal law, where such conduct reflects adversely on his honesty, trustworthiness, or fitness as a lawyer, in violation of MRPC 8.4(b); and made a materially false statement in an affidavit of compliance, in violation of MCR 9.123(A). The respondent was also found to have violated MRPC 8.4(a) and (c), and MCR 9.104(1)–(4).

The panel ordered that the respondent be suspended from the practice of law in Michigan for 2½ years, that the respondent be subject to a condition relevant to the established misconduct, and that the respondent pay restitution totaling \$1,500. The grievance administrator filed a petition for review seeking an increase in discipline. The respondent also filed a petition for review seeking a reduction in the discipline imposed, which was dismissed for his failure to file a brief in support. The Board, upon review, increased the hearing panel's order of discipline to Disbarment and affirmed the Restitution and Condition ordered by the hearing panel. Total costs were assessed in the amount of \$2,192.57.

1. On September 18, 2015, the hearing panel issued an order suspending the respondent from the practice of law based on his claim of physical incapacity as a reason for his inability to appear for hearing. The respondent failed to provide the medical documentation as ordered by the panel in its September 3, 2015 order. That suspension went into effect on September 21, 2015. Please see Notice of Interim Suspension Pursuant to MCR 9.115(H)(2), issued September 23, 2015.

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### Disbarment (By Consent)

**Charles T. Busse**, P49770, Rochester, by the Attorney Discipline Board, Tri-County Hearing Panel #76, effective February 25, 2017.<sup>1</sup>

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 contains the respondent's admissions and plea of no contest that he committed professional misconduct in his representation of two clients in a Liquor Control Commission appeal; one client in a criminal matter; and nine separate clients in immigration matters. The stipulation further contains the respondent's acknowledgment that he was convicted of the felonies of conspiracy to defraud the United States, in violation of 18 USC 371; bribery of a public official, in violation of 18 USC 201(b)(1)(A), (B) and (C); tax evasion, in violation of 26 USC 7201; and failure to report currency transactions of more than \$10,000, in violation of 31 USC 5324(b)(1).

Based on the respondent's admissions, plea of no contest, and the stipulation of the parties, the panel found that the respondent failed to render competent representation to his clients, in violation of MRPC 1.1; handled legal matters without preparation adequate in the circumstances, in violation of MRPC 1.1(b); neglected his clients' legal matters, in violation of MRPC 1.1(c); failed to seek the lawful objective of his clients through

reasonably available means permitted by law and the rules of professional conduct, 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 communicate with his clients regarding the status of their legal matters, in violation of MRPC 1.4(a); 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); charged and/or collected excessive fees, in violation of MRPC 1.5(a); failed to communicate the basis or rate of the fee to his clients, in violation of MRPC 1.5(b); entered into a business transaction with his clients or knowingly acquired an ownership, possessory, security, or other pecuniary interest adverse to his clients, without transmitting the transaction and terms in writing to the clients in a manner that could be reasonably understood by the clients, without giving his clients a reasonable opportunity to seek the advice or independent counsel in the transaction, and without his clients' written consent, in violation of MRPC 1.8(a); failed to refund the advance payment of an unearned fee after termination of the representation, in violation of MRPC 1.16(d); knowingly made a false statement of material fact or law to a tribunal or failed to correct a false statement of material fact or law previously made to the tribunal by him, in violation of MRPC 3.3(a)(1); shared legal fees with a nonlawyer, in violation of MRPC 5.4(a); engaged in conduct that is disrespectful to a person involved in the legal process, in vio-

lation of MRPC 6.5(a); and engaged in conduct that violates a criminal law of a state or of the United States and ordinance or tribal law, contrary to MCR 9.104(5). The respondent was also found to have violated MRPC 8.4(a) and (b); and MCR 9.104(1)–(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 \$974.82.

1. The respondent has been continuously suspended from the practice of law in Michigan since November 3, 2016. Please see Notice of Automatic Interim Suspension, issued November 7, 2016.

### Automatic Reinstatements

**Charles R. Desotelle**, P46236, Flint.

The respondent was suspended from the practice of law in Michigan for 30 days, effective January 31, 2017. In accordance with MCR 9.123(A), the suspension was terminated with the respondent's filing of an affidavit with the clerk of the Michigan Supreme Court on March 2, 2017.

**Laurence B. Doman**, P31731, Dearborn.

The respondent was suspended from the practice of law in Michigan for 60 days, effective January 5, 2017. In accordance with MCR 9.123(A), the suspension was terminated with the respondent's filing of an affidavit with the clerk of the Michigan Supreme Court on March 7, 2017.

### Automatic Reinstatement for Payment of Costs

**Jeffrey G. Bennett**, P43946, Ann Arbor.

In accordance with MCR 9.128(D), the respondent's license to practice law in Michigan was automatically suspended on February 15, 2017, for failure to pay costs as ordered in *Grievance Administrator v Jeffrey G. Bennett*, Case No. 16-90-GA, and until payment of costs and the filing of affidavits of compliance in accordance with MCR 9.119 and 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

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the Michigan Supreme Court on February 23, 2017.

### Reprimands (By Consent)

**Steven D. Dunnings**, P36086, Lansing, by the Attorney Discipline Board, Ingham County Hearing Panel #2, effective February 21, 2017.

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 admission that he was convicted in a matter titled *People of the State of Michigan v Steven Dunnings*, 54-A District Court Case No. 16-01137-SM, of engaging the service of a prostitute, a misdemeanor. Based on the respondent's conviction and his admission in the Stipulation

for Consent Order of Reprimand, it was established 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 \$783.61.

**Kim L. Hagerty**, P52029, Traverse City, by the Attorney Discipline Board, Muskegon County Hearing Panel #1, effective March 18, 2017.

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 admission that she was convicted in a matter titled *People of the State of Michigan Grand Traverse Sher-*

*iff's Dep't v Kim Louise Hagerty*, 86th District Court Case No. 16-3456-SD, of operating while under the influence of liquor, a misdemeanor, in violation of MCL 257.625(1)(c). Based on the respondent's conviction and her admission in the Stipulation for Consent Order of Reprimand, it was established 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 \$756.96.

**Tonya Myers Phillips**, P63475, Detroit, by the Attorney Discipline Board, affirming Tri-County Hearing Panel #22's Order of Reprimand (By Consent), issued July 28, 2016, effective August 1, 2016.

The grievance administrator filed a formal complaint alleging that the respondent



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**Clarence "Rocky" Pozza, Esq.**  
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committed professional misconduct during her representation of a client in a civil matter in which the client was attempting to recover funds after being defrauded. 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, it was established that the respondent failed to take remedial measures after learning that her client intended to engage in criminal or fraudulent conduct relative to an adjudicative proceeding involving her client, in violation of MRPC 3.3(b) and (e). The respondent was also found to have violated MCR 9.104(2) and (3).

In accordance with the stipulation of the parties, the hearing panel ordered that the respondent be reprimanded. The complainant, Melvin Mosley, filed a petition for review. Upon review, the Board affirmed the hearing panel's Order of Reprimand (By Consent) on January 19, 2017. Total costs were assessed in the amount of \$1,082.

## Suspension

**David T. Madden**, P77342, Ann Arbor, by the Attorney Discipline Board, Washtenaw County Hearing Panel #4, for one year, effective March 25, 2017.

The respondent was convicted by guilty plea of operating while visibly impaired, a misdemeanor, in *City of Ann Arbor v David Terence Madden*, 15th District Court Case

No. 16-0060-OD. Based on the respondent's conviction, the panel found that he committed professional misconduct that 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 one year. Costs were assessed in the amount of \$1,677.22.

## Amended Suspension<sup>1</sup>

**Peter S. Tangalos**, P52969, Birmingham, by the Attorney Discipline Board, Tri-County Hearing Panel #81, for 180 days, effective March 3, 2017.<sup>2</sup>

The respondent appeared at the hearings and filed an answer to the formal complaint. The hearing panel found that the respondent failed to promptly pay or deliver any funds that a client or third person was entitled to receive due to insufficient funds in the respondent's IOLTA, in violation of MRPC 1.15(b)(3); and failed to hold client and third-party funds in connection with a representation separate from the lawyer's funds, in violation of MRPC 1.15(d).

The hearing panel ordered that the respondent's license to practice law in Michigan be suspended for 60 days. The respondent served the 60-day suspension and his license to practice law was reinstated, effective October 13, 2015. The grievance administrator filed a petition for review, and a hearing was held before a sub-board. The Attorney Discipline Board conducted review proceedings in accordance with MCR 9.118, which included a review of the whole record before the panel, consideration of

the parties' briefs and the arguments presented, the transcript of the review hearing, and the recommendation of the sub-board. The Board increased the discipline imposed from a 60-day suspension to a 180-day suspension of the respondent's license to practice law.

The respondent filed a motion for reconsideration and requested a stay of discipline. The Board granted the stay. The respondent's motion for reconsideration was denied by the Board. Costs were assessed in the amount of \$5,846.63.

1. The previous notice, issued March 3, 2017, did not list the effective date of the respondent's suspension.
2. The respondent is credited with the 60-day period of suspension already served in this case from August 12, 2015 through October 13, 2015. Please see Order Denying Respondent's Motion for Reconsideration, issued February 2, 2017.

## Suspension and Restitution

**Susan F. Reed**, P26897, Detroit, by the Attorney Discipline Board, Tri-County Hearing Panel #10, for 180 days, effective February 14, 2017.<sup>1</sup>

Based on the respondent's default, the hearing panel found that the respondent committed professional misconduct during her representation of a client defending against a suit filed by a patron at the client's restaurant who was injured in a physical altercation; in her representation of another client in a criminal matter; by failing to answer two requests for investigation; and by failing to appear for sworn statements when subpoenaed to appear.

The panel found that the respondent neglected a legal matter entrusted to the lawyer, in violation of MRPC 1.1(c); failed to seek the lawful objectives of her client, 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 about the status of their matters, in violation of MRPC 1.4(a); failed to explain the matters to her clients to the extent necessary to permit the clients to make informed decisions regarding the representation, in violation of MRPC 1.4(b); failed to surrender papers to which the client was entitled upon termination of representation, in violation of MRPC 1.16(d); knowingly disobeyed an obligation under

## ATTORNEY DISCIPLINE DEFENSE

Experienced attorney (41 yrs) who handles criminal and civil cases, trial and appeal, is available for representation in defending attorneys in discipline proceedings. I can represent you in answering requests for investigations, grievances, and at hearings. I am also available for appeals, reinstatement petitions, and general consultation. References are available upon request. For further information, contact:

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the rules of a tribunal except for an open refusal based on the assertion that no valid obligation exists, in violation of MRPC 3.4(c); 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 two requests for investigation in conformity with MCR 9.113(A), in violation of MCR 9.104(7). The respondent was also found to have violated MCR 9.104(1)–(4); and MRPC 8.4(a)–(c).

The panel ordered that the respondent's license to practice law be suspended for a period of 180 days. The panel also ordered that the respondent be required to pay restitution in the amount of \$21,346.22 to one complainant as requested by the grievance administrator. Costs were assessed in the amount of \$1,684.91.

1. The respondent has been continuously suspended from the practice of law in Michigan since October 20, 2016. Please see Notice of Interim Suspension Pursuant to MCR 9.115(H)(1), issued October 20, 2016.

### Suspension and Restitution (By Consent)

**Shawn Weera**, P57120, Grand Rapids, by the Attorney Discipline Board, Kent County Hearing Panel #5, for three years, effective March 25, 2017.

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, pleas, and the stipulation of the parties, the panel found that the respondent committed professional misconduct in his representation of several elderly clients in creating "asset protection plans"; providing investment advice; and, during the course of the grievance administrator investigations, by failing to provide requested information and making misrepresentations in a sworn statement.

Specifically, the panel found that the respondent neglected legal matters entrusted to him, in violation of MRPC 1.1(c); failed to seek the lawful objectives of his clients through reasonably available means permitted by law, in violation of MRPC 1.2(a); failed to act with reasonable diligence and

promptness in representing clients, in violation of MRPC 1.3; failed to keep a client reasonably informed about the status of a matter and to comply promptly with reasonable requests for information, in violation of MRPC 1.4(a); failed to notify the client promptly of all settlement offers, in violation of MRPC 1.4(a); failed to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation, in violation of MRPC 1.4(b); entered into business transactions with clients, in violation of MRPC 1.8(a)(1)–(3); failed to promptly surrender papers or property or to refund the advance payment of fees that had not been earned upon termination of the representation, in violation of MRPC 1.16(d); knowingly made a false statement of material fact in his sworn statement, in violation of MRPC 8.1(a)(1); and knowingly misrepresented the facts and circumstances surrounding a request for investigation, in violation of MCR 9.104(6). The respondent was also found to have violated MRPC 8.4(a)–(c) and MCR 9.104(1)–(4).

The panel ordered that the respondent's license to practice law be suspended for a period of three years. In addition, the parties stipulated and the panel agreed that the respondent pay restitution in the amount of \$5,685 to Judy Deters and \$20,000 to Guy Gutos. Costs were assessed in the amount of \$1,894.73.

### Suspension and Restitution (With Condition)

**Mary S. Hickey**, P36942, Grosse Pointe Farms, by the Attorney Discipline Board, Tri-County Hearing Panel #25, for 180 days, effective February 18, 2017.<sup>1</sup>

The grievance administrator filed a motion for an order to show cause seeking additional discipline for the respondent's failure to comply with the hearing panel's Order of 90-Day Suspension With Condition and Restitution (By Consent), issued March 1, 2016. The grievance administrator also filed a formal complaint (Case No. 16-68-GA) against the respondent for her failure to answer a separate request for investigation. The two matters were consolidated. The respondent failed to answer either matter and failed to appear at the show cause hearing.

Based on the respondent's default for failure to answer the formal complaint and the evidence presented, the hearing panel found that the respondent committed professional misconduct by failing to comply with the hearing panel's March 1, 2016 order. The respondent failed to file an affidavit of compliance as required by MCR 9.119(C); failed to make monthly restitution payments; failed to submit any evidence of treatment from a psychiatrist or general practitioner; failed to answer a request for investigation, in violation of MCR 9.104(A)(7) and MCR 9.113(A) and (B); knowingly failed to respond to a lawful demand for information by a disciplinary authority, in violation of MRPC 8.1(a)(2); and engaged in conduct that was prejudicial to the administration of justice, in violation of MRPC 8.4(c) and MCR 9.104(a)(4).

The panel ordered that the respondent be suspended from the practice of law for 180 days. The panel also ordered that the respondent be required to pay restitution plus interest to Fred Travis in the amount of \$2,000 and to reimburse the Client Protection Fund of the State Bar of Michigan for the payment made by the fund to James Murday in the amount of \$7,500. In addition, as a condition to filing a petition for reinstatement, the panel ordered that the respondent shall be required to submit an evaluation, dated no more than 30 days before the filing of a petition for reinstatement, stating that she is mentally and physically fit to return to the practice of law. Costs were assessed in the amount of \$2,015.44.

1. The respondent has been continuously suspended from the practice of law in Michigan since March 23, 2016. Please see Notice of Suspension and Restitution with Conditions (By Consent), issued March 23, 2016.

### Suspension (By Consent)

**Ronald J. Varga**, P34361, Cheboygan, by the Attorney Discipline Board, Emmet County Hearing Panel #2, for 180 days, effective April 1, 2017.<sup>1</sup>

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



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parties, the panel found that the respondent committed professional misconduct during his representation of client in a civil action in Chippewa County Circuit Court.

Specifically, the panel found that the respondent failed to deposit a legal fee in advance of services rendered into a client trust account and withdraw the fee only when earned, in violation of MRPC 1.15(g); failed to hold property of clients or third persons in connection with a representation separate from his own property and failed to deposit all client or third-person funds into an IOLTA or non-IOLTA account, in violation of MRPC 1.15(d); upon termination of the representation, failed to refund any advance payment of a fee that had not been earned, in violation of MRPC 1.16(d); and failed to reply promptly with reasonable requests for information from the client, in violation of MRPC 1.4(a). The respondent was also found to have violated MRPC 8.4(a).

The panel ordered that the respondent's license to practice law be suspended for a period of 180 days effective April 1, 2017 (as stipulated by the parties). Costs were assessed in the amount of \$756.88.

1. On February 23, 2017, an order was entered that granted the respondent's request to perform services as an attorney pursuant to MCR 9.119(D), under the current terms of his existing public defender contract with Cheboygan County until the effective date of the suspension of his license to practice law.

## Automatic Suspensions for Nonpayment of Costs

**Jeffrey G. Bennett**, P43946, Ann Arbor, effective February 15, 2017.

In *Grievance Administrator v Jeffrey G. Bennett*, Case No. 16-90-GA, an Order of Reprimand (By Consent) was issued on January 9, 2017. The respondent was ordered to pay costs by January 31, 2017. The respondent failed to pay the costs as ordered and in accordance with MCR 9.128(C), a certification of nonpayment of costs was issued on February 7, 2017.

In accordance with MCR 9.128(D), the respondent's license to practice law in Michigan was automatically suspended on February 15, 2017, and, pursuant to MCR 9.128, that suspension will remain in effect until the costs have been paid and the respondent has complied with MCR 9.119 and 9.123(A).

**Joni M. Fixel**, P56712, Okemos, effective March 23, 2017.

In *Grievance Administrator v Joni M. Fixel*, Case No. 16-94-GA, an Order of Suspension With Conditions (By Consent), suspending the respondent's license to practice law in Michigan for three years, was issued on February 13, 2017. The parties stipulated, and the panel agreed, to an effective date of April 1, 2017. The respondent was ordered to pay costs by March 7, 2017. The respondent failed to pay the costs as ordered, and in accordance with MCR 9.128(C), a certification of nonpayment of costs was issued on March 15, 2017.

In accordance with MCR 9.128(D), the respondent's license to practice law in Michigan was automatically suspended on March 23, 2017, and, pursuant to MCR 9.128, that suspension will remain in effect until the costs have been paid and the respondent has complied with MCR 9.119 and 9.123(A).

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

**Barry A. Steinway**, P24137, West Bloomfield, by the Attorney Discipline Board, Tri-County Hearing Panel #24, effective March 27, 2017.

The respondent failed to appear at the March 20, 2017 hearing. On March 20, 2017, the hearing panel, in accordance with MCR 9.115(H)(1), issued an Order of Suspension effective March 27, 2017, and until further order of the panel or the Board.

## Suspensions (With Conditions)

**Danielle R. Havenstein**, P69414, Grand Rapids, by the Attorney Discipline Board, Kent County Hearing Panel #2, for 180 days, effective September 17, 2016.<sup>1</sup>

The grievance administrator filed a motion for an order to show cause seeking additional discipline for the respondent's failure to comply with the hearing panel's Order of 179-Day Suspension With Conditions (By Consent), issued August 26, 2016.

Based on the stipulation of the parties to the factual allegations contained in the petition and the respondent's admissions, the panel finds that the respondent failed

to comply with the conditions of its order of August 26, 2016, which warrants the imposition of further discipline. Specifically, that the respondent was noncompliant with the condition that she participate in a two-year monitoring agreement with the State Bar of Michigan's Lawyers and Judges Assistance Program.

The panel ordered that the respondent be suspended from the practice of law for 180 days. The panel also ordered that the respondent be subject to conditions that she complies with the terms of her remaining criminal sentence; remain abstinent from nonprescription controlled substances; not engage in any conduct that results in further discipline; and, upon petitioning for reinstatement, shall provide, along with her petition, a substance abuse assessment (dated no more than 60 days before the date the petition is filed) which provides a diagnosis, prognosis, and recommendation prepared by a therapist who maintains certification from the state of Michigan as an addictions counselor. Costs were assessed in the amount of \$1,821.70.

1. The respondent has been continuously suspended from the practice of law in Michigan since December 17, 2015. Please see Notice of Automatic Interim Suspension, issued April 20, 2016.

**Alexander Melnikov**, P73960, Hallandale, Florida, by the Attorney Discipline Board, Tri-County Hearing Panel #67, for 180 days, effective August 19, 2016.

The respondent was convicted, by guilty plea, of two counts of disturbing the peace (misdemeanors), in violation of MCL 750.170, and assault and battery (misdemeanor), in violation of MCL 750.81, in the Oakland County Circuit Court. Based on these convictions, the panel found that the respondent violated the criminal laws of the state of Michigan, contrary to MCR 9.104(5). Additionally, based on the respondent's default for failing to answer the formal complaint, the panel found that the respondent violated or attempted to violate the Michigan Rules of Professional Conduct, contrary to MRPC 8.4(a) and MCR 9.104(4); engaged in conduct involving a 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 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 is contrary to justice, ethics, honesty, or good morals, in violation of MCR 9.104(3).

The panel ordered that the respondent's license to practice law in Michigan be suspended for 180 days and that he be subject to a condition relevant to the established misconduct. The respondent petitioned for review seeking a one-day decrease in the suspension imposed by the hearing panel on the basis that it is "inconsistent" with the American Bar Association Standards for Imposing Lawyer Sanctions (ABA Standards) and the Michigan Supreme Court's opinion in *Grievance Administrator v Lopatin*, 462 Mich 235; 612 NW2d 120 (2000). The respondent did not file a request for a stay of discipline; thus, his suspension went into effect on August 19, 2016.

The Attorney Discipline Board has conducted review proceedings in accordance with MCR 9.118, including review of the evidentiary record before the panel, consideration of the parties' briefs, and arguments presented by the parties at the review hearing. The Board affirmed the hearing panel's Order of a 180-Day Suspension of the respondent's license to practice law, along with the condition that the respondent be subject to a condition relevant to the established misconduct. Costs were assessed in the amount of \$2,123.94.

**Cynthia Young**, P75849, Lathrup Village, by the Attorney Discipline Board, Tri-County Hearing Panel #54, for 18 months, effective March 16, 2017.<sup>1</sup>

Based on the respondent's default, the hearing panel found that the respondent committed professional misconduct in her representation of a client in a bankruptcy matter. The panel found that the respondent neglected a legal matter, in violation of MRPC 1.1(c); failed to act with reasonable diligence and promptness in her representation of a client, in violation of MRPC 1.3; failed to keep a 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); failed to refund an unearned attorney fee

paid in advance, in violation of MRPC 1.16(d); knowingly disobeyed an order under the rules of a court or tribunal, in violation of MRPC 3.4(c); engaged in conduct that was prejudicial to the proper administration of justice, in violation of MCR 9.104(1); engaged in conduct that 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 panel ordered that the respondent's license to practice law be suspended for a period of 18 months. The panel also ordered that the respondent not be eligible to file a petition for reinstatement until she provides proof that she has satisfied the bankruptcy court order that she pay \$2,500 to complainant Delvecchio Rambus and \$200 to the bankruptcy trustee, as well as any additional bankruptcy court obligations that may be outstanding, and has paid the restitution or has reimbursed the Client Protection Fund of the State Bar of Michigan for any payments made by them as ordered in *Grievance Administrator v Cynthia Young*, Case No. 15-121-GA. Costs were assessed in the amount of \$1,912.88.

1. The respondent has been continuously suspended from the practice of law in Michigan since January 11, 2016. Please see Order of Interim Suspension, issued January 11, 2016.

### Suspensions With Conditions (By Consent)

**Eric Allan Buikema**, P58379, Troy, by the Attorney Discipline Board, Tri-County Hearing Panel #60, for 179 days, effective October 6, 2016.<sup>1</sup>

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 admission that he was convicted by guilty plea of operating while intoxicated/per se, third offense, a felony, in violation of MCL 257.625(6)(D), in *People of the State of Michigan v Eric Allan Buikema*, Oakland County Circuit Court Case No. 16-259047-FH. The parties further

agreed that the respondent should be suspended from the practice of law for 179 days, and be subject to certain conditions. In accordance with MCR 9.120(B)(1), the respondent's license to practice law in Michigan was automatically suspended on October 6, 2016, the date of his conviction.

Based on the respondent's conviction and his admission in the stipulation, it was established 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's license to practice law in Michigan be suspended for 179 days, effective October 6, 2016. Additionally, the panel ordered that the respondent be subject to conditions relevant to the established misconduct. Costs were assessed in the amount of \$833.32.

1. The date of the respondent's felony conviction and automatic suspension from the practice of law. Please see Notice of Automatic Interim Suspension, issued October 14, 2016.

**Joni M. Fixel**, P56712, Okemos, by the Attorney Discipline Board, Ingham County Hearing Panel #4, for three years, effective April 1, 2017.

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 found that the respondent failed to promptly pay or deliver funds that clients or third persons were entitled to receive, in violation of MRPC 1.15(b)(3); and failed to hold property of clients or third persons in connection with a representation separate from the lawyer's own property, in violation of MRPC 1.15(d).

The panel ordered, in accordance with the stipulation of the parties, that the respondent's license to practice law be suspended for a period of three years effective April 1, 2017 (as stipulated by the parties). In addition, the panel ordered the respondent be subject to conditions relevant to the established misconduct. Costs were assessed in the amount of \$976.30.