

50 Orders of Discipline and Disability

Disbarments

William R. Cohen, P57965, Pompano Beach, Florida, by the Attorney Discipline Board, effective October 18, 2017.

In a reciprocal discipline proceeding under MCR 9.120(C), the grievance administrator filed a certified copy of an order of disciplinary revocation of the respondent's license to practice law, effective September 22, 2016, entered by the Supreme Court of Florida on June 22, 2017, *In Re: Petition for Disciplinary Revocation of William Robert Cohen*.

An order regarding imposition of reciprocal discipline was served on the respondent on July 19, 2017, and August 7, 2017 (at an additional address). The 21-day period referenced in MCR 9.120(C)(2)(b) expired without objection by either party and the respondent was deemed to be in default. Based on that default, the Attorney Disci-

pline Board ordered that the respondent be disbarred from the practice of law in Michigan. Costs were assessed in the amount of \$1,500.

Susan G. Graham, P55509, Harbor Springs, by the Attorney Discipline Board, Tri-County Hearing Panel #26, effective March 3, 2016.¹

The respondent pled guilty to a probation violation of her March 2016 conviction of operating a vehicle with the presence of a controlled substance, and operating under the influence of liquor, per se, 3rd offense, in *People of the State of Michigan v Susan Gail Graham*, 57th Circuit Court Case No. 15-004271-FH-P; and her conviction to the charges of Prisoner Possessing Contraband, contrary to MCL 801.2632, and Habitual Offender (4th offense), contrary to MCL 769.12, in *People of the State of Michigan v Susan Gail Graham*, 57th Circuit Court Case No.

16-004435-FH-P. In accordance with MCR 9.120(B)(1), the respondent's license to practice law in Michigan was automatically suspended effective December 20, 2016, the date of the respondent's felony conviction. The panel found that the respondent committed professional misconduct that violated criminal laws of this state, 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 \$1,714.38.

1. The respondent has been continuously suspended from the practice of law in Michigan since December 28, 2013. Please see Notice of Suspension With Conditions (By Consent), issued January 9, 2014, in Case No. 13-100-MZ (Ref. 11-121-JC).

Squire Padgett, P28836, Washington, DC, by the Attorney Discipline Board, effective October 12, 2017.

In a reciprocal discipline proceeding under MCR 9.120(C), the grievance administrator filed a certified copy of a judgment and order of disbarment entered by the District of Columbia Court of Appeals on May 18, 2017, effective June 18, 2017, *In Re Squire Padgett*, Case No. 17-BG-119.

An order regarding imposition of reciprocal discipline was served on the respondent on July 17, 2017. The 21-day period referenced in MCR 9.120(C)(2)(b) expired without objection by either party and the respondent was deemed to be in default. Based on that default, the Attorney Discipline Board ordered that the respondent be disbarred from the practice of law in Michigan. Costs were assessed in the amount of \$1,533.09.

Reinstatement

Christopher Shea Berry, P68580, Holland, by the Attorney Discipline Board, Kent County Hearing Panel #2, effective October 6, 2017.

The petitioner has been suspended from the practice of law in Michigan since March 31, 2016. His petition for reinstatement, filed in accordance with MCR 9.123(B) and MCR 9.124, was granted by Kent County Hearing Panel #2, which concluded that the petitioner

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had satisfactorily established his eligibility for reinstatement in accordance with those court rules. The panel issued an order of eligibility for reinstatement with the condition that the petitioner file written proof of payment of bar dues in accordance with Rules 2 and 3 of the Supreme Court Rules concerning the State Bar of Michigan before the petitioner could be reinstated to the practice of law in Michigan.

The Board received written proof that the petitioner had paid dues to the State Bar of Michigan, and an order of reinstatement was issued by the Board on October 6, 2017. Total costs were assessed in the amount of \$952.51.

Automatic Reinstatements

R. Vincent Green, P34862, Lansing.

The respondent was suspended from the practice of law in Michigan for 120 days, effective June 12, 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 October 12, 2017.

Carolyn J. Jackson, P53018, Southfield. Reinstated pursuant to MCR 9.123(A): October 24, 2017.

The respondent was suspended from the practice of law in Michigan for 60 days, effective August 16, 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, and her full compliance with the terms and conditions of the Order of Suspension and Restitution (With Conditions) issued in this matter.

Reinstatement (With Conditions)

Brian R. Wutz, P66897, Burns, Tennessee, by the Attorney Discipline Board, Tri-County Hearing Panel #6, effective October 12, 2017.

The petitioner has been suspended from the practice of law in Michigan since May 14, 2016. His petition for reinstatement, filed in accordance with MCR 9.123(B) and MCR 9.124, was granted by Tri-County Hearing

Panel #10, 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 the condition that the petitioner file written proof of payment of bar dues in accordance with Rules 2 and 3 of the Supreme Court Rules concerning the State Bar of Michigan before the petitioner could be reinstated to the practice of law in Michigan.

The Board received written proof that the petitioner had paid dues to the State Bar of Michigan, and an order of reinstatement with conditions was issued by the Board on

October 12, 2017. Total costs were assessed in the amount of \$1,457.55.

Reprimand and Restitution

Mohamed Elsharnoby, P69901, Dearborn, by the Attorney Discipline Board, Tri-County Hearing Panel #4, effective October 10, 2017.

After proceedings in accordance with MCR 9.115, the hearing panel found that the respondent committed professional misconduct by failing to act with reasonable diligence in representing a client, in violation of MRPC 1.3; and by engaging in conduct that

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A lawyer's conviction of any crime, including misdemeanors. A conviction occurs upon the return of a verdict of guilty or upon the acceptance of a plea of guilty or no contest.

Who Must Report:

Notice must be given by all of the following:

1. The lawyer who was convicted;
2. The defense attorney who represented the lawyer; and
3. The prosecutor or other authority who prosecuted the lawyer.

When to Report:

Notice must be given by the lawyer, defense attorney, and prosecutor within **14 days** after the conviction.

Where to Report:

Written notice of a lawyer's conviction must be given to:

Grievance Administrator
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Buhl Building, Ste. 1700
535 Griswold, Detroit, MI 48226
and

Attorney Discipline Board
211 W. Fort Street, Ste. 1410
Detroit, MI 48226

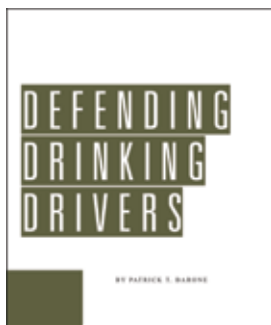
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involved dishonesty, fraud, deceit, misrepresentation, or violation of the criminal law, where such conduct reflected adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer, contrary to MRPC 8.4(b).

The panel ordered that the respondent be reprimanded and that he pay restitution to complainant Rashed in the amount of \$4,500. Costs were assessed in the amount of \$3,470.74.

Reprimands (By Consent)

Evan H. Callanan Jr., P30564, Westland, by the Attorney Discipline Board, Tri-County Hearing Panel #11, effective October 17, 2017.

The grievance administrator filed a formal complaint alleging that the respondent commingled personal and client funds in his IOLTA account from December 2011 to at least October 2014. The parties 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, testimony taken at the August 17, 2017 status conference, and the stipulation of the parties, the panel found that the respondent held funds in an IOLTA that were not client or third-person funds, in violation of MRPC 1.15(a)(3); failed to hold property of clients or third persons in connection with the representation separate from the lawyer's property, in violation of MRPC 1.15(d); and deposited his own funds into a client trust account in excess of an amount reasonably necessary to pay financial institution service charges or fees, in violation of MRPC 1.15(f). The respondent was also found to have violated MRPC 8.4(a) and MCR 9.104(2)-(4).

In accordance with the stipulation of the parties, the panel ordered that the respondent be reprimanded. Costs were assessed in the amount of \$929.42.

Clifford Woodards II, P60661, Southfield, by the Attorney Discipline Board, Tri-County Hearing Panel #60, effective October 17, 2017.

The grievance administrator filed a formal complaint alleging that the respondent

engaged in discourteous conduct during a probation review hearing in Wayne County Circuit Court. The parties 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 treat with courtesy and respect a person involved in the legal process and failed to avoid treating that person discourteously or disrespectfully because of that person's race and gender, in violation of MRPC 6.5(a); and engaged in conduct that exposes the legal profession to obloquy, contempt, censure, or reproach, in violation of MCR 9.104(2).

In accordance with the stipulation of the parties, the panel ordered that the respondent be reprimanded. Costs were assessed in the amount of \$750.

Suspension (By Consent)

Dan A. Penning, P39322, Suttons Bay, by the Attorney Discipline Board, Emmet County Hearing Panel #2, for 30 months, effective October 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 in the stipulation of the parties, the panel found that the respondent committed professional misconduct by improper use of his IOLTA account, withdrawing fees from a trust account before they were earned, failing to render accurate accountings when requested, and failing to hold client property separate from his own.

Specifically, the panel found that the respondent held funds in an IOLTA that were not client or third-person funds, in violation of MRPC 1.15(a)(3); failed to hold property of a client or third person in connection with the representation separate from the lawyer's property, in violation of MRPC 1.15(d); deposited his own funds into a client trust account in excess of an amount reasonably necessary to pay financial institution service charges or fees, in violation



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of MRPC 1.15(f); failed to promptly render an accurate accounting regarding funds or property in which a client or third person had an interest, upon request by the client or third person, in violation of MRPC 1.15(b) (3); and withdrew funds from his client trust account that were being held as the advance payment of legal fees and expenses, before the fees were earned or expenses incurred, in violation of MRPC 1.15(g). The respondent was also found to have violated MRPC 8.4(a) and MCR 9.104(2) and (3).

In accordance with the stipulation of the parties, the panel ordered that the respondent's license to practice law be suspended for 30 months. Costs were assessed in the amount of \$798.60.

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Suspension (Pending Appeal)

Lyle Dickson, P55424, Las Vegas, Nevada, by the Attorney Discipline Board, increasing Tri-County Hearing Panel #57's order of reprimand with condition to a suspension of 180 days and vacating the condition. Suspension for 180 days, effective October 18, 2017.

After proceedings in accordance with MCR 9.115, the hearing panel found that the respondent committed professional misconduct by his conduct in reaction to the dismissal of his JAG officer application, in violation of MRPC 8.4(a) and MCR 9.104(4); engaging in conduct that was prejudicial to the administration of justice, in violation of MRPC 8.4(c) and MCR 9.104(1); engaging in conduct that exposed the legal profession or the courts to obloquy, contempt, censure, or reproach, in violation of MCR 9.104(2); and engaging in conduct that was contrary to justice, in violation of MCR 9.104(3).

The respondent filed a timely petition for review seeking reversal of the hearing panel's findings of misconduct and dismissal of the formal complaint. The grievance administrator filed a cross-petition for review arguing for an increase in the discipline and modification of the condition imposed by the panel. 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 at a review hearing conducted on August 16, 2017. On September 19, 2017, an order increasing discipline from a reprimand with condition to a 180-day suspension and vacating condition was issued by the Board.

On October 17, 2017, the respondent filed an application for leave to appeal with the Michigan Supreme Court, and, on October 18, 2017, the respondent filed a motion for stay of the Board's order and a motion for immediate consideration, which are pending before the Court.

Suspension With Condition (By Consent)

Matthew Nicholls, P74461, Davison, by the Attorney Discipline Board, Genesee County Hearing Panel #1, for 180 days, effective October 28, 2017.

The grievance administrator filed Formal Complaint 16-130-GA, alleging that the respondent committed professional misconduct in relation to his handling of a probate matter in Midland County Circuit Court in 2014-2015. 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 default and admissions in the parties' stipulation, the panel found that the respondent prepared and filed with the circuit court an order which the respondent knew contained a false statement, in violation of MCR 2.602(B) (3) and MRPC 3.3(a)(1); prepared and filed with the probate court in each probate matter an Objection to Petition for Appointment of Guardian of Minor, in which he made a false statement of material fact, in violation of MRPC 3.3(a)(1); failed to correct a false statement of material fact with the circuit and probate courts, in violation of MRPC 3.3(a)(1); filed a motion when lacking a good-faith basis for doing so that is not frivolous, in violation of MRPC 3.1; and knowingly made a false statement of material fact to one or more third persons, in violation of MRPC 4.1. The respondent was also found to have violated MRPC 8.4(a)-(c) and MCR 9.104(1)-(3).

In accordance with the stipulation of the parties, the panel ordered that the respondent's license to practice law in Michigan be suspended for 180 days with a condition relevant to the established misconduct. Costs were assessed in the amount of \$1,192.45.