

## Disbarments

**Robert A. Switzer**, P74724, Lincoln Park, by the Attorney Discipline Board, Tri-County Hearing Panel #3, effective October 7, 2016.<sup>1</sup>

The respondent was convicted, by guilty plea, of interference with police authority, in violation of Ord #32-31, in *City of Taylor v Robert Arthur Switzer*, 23rd District Court Case No. 17-0314-OM. Based on this conviction, the panel found that the respondent engaged in conduct that violated a criminal law of a state or of the United States, an ordinance, or tribal law, 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 failed to answer a request for investigation within 21 days of service, in violation of MCR 9.104(7), MCR 9.113(A), MCR 9.113(B)(2), and MRPC 8.1(a)(2); failed to file an affidavit of compliance, in violation of MCR 9.119(C); and failed to report a conviction, in violation of MCR 9.120(A) and (B). The respondent was also found to have violated MCR 9.104(1)–(4); and MRPC 8.4(a) and (c).

The panel ordered that the respondent be disbarred from the practice law in Michigan. Costs were assessed in the amount of \$1,729.80.

1. The respondent has been continuously suspended from the practice of law in Michigan since May 31, 2016. Please see Notice of Interim Suspension Pursuant to MCR 9.115(H)(1), issued May 31, 2016, *Grievance Administrator v Robert A. Switzer*, Case No. 16-28-GA.

**Jill A. Tucker**, P66839, Ann Arbor, by the Attorney Discipline Board, Washtenaw County Hearing Panel #2, effective November 29, 2017.

The respondent was convicted in *People of the State of Michigan v Jill Ann Tucker*, 44th Circuit Court Case No. 16-023886-FH, of the following offenses: interference with the reporting of a crime, in violation of MCL 750.483A2B, a felony; unlawful posting of messages through electronic medium without consent, in violation of MCL 750.411S2A, a felony; lying to a peace officer regarding a serious misdemeanor, in violation of MCL 750.479C2A, a misdemeanor; tampering with evidence, in violation of MCL 750.483A6A, a felony; failure to stop at the scene of a property accident, in violation of MCL 257.618, a misdemeanor; failure to stop at the scene of an accident involving serious personal injuries, in violation of MCL 257.617A, a misdemeanor; use of a computer to commit a crime, in violation of MCL 752.7973E, a felony; and operation of a motor vehicle in violation of a license restriction, contrary to MCL

257.312, a misdemeanor. In accordance with MCR 9.120(B)(1), the respondent's license to practice law in Michigan was automatically suspended effective March 15, 2017, the date of the respondent's felony convictions.<sup>1</sup>

Based on the respondent's convictions, the panel found that she committed professional misconduct and engaged in conduct that violated criminal laws of a state or of the United States, contrary to MCR 9.104(5); and engaged in conduct that 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 disbarred from the practice of law in Michigan. Total costs were assessed in the amount of \$1,669.83.

1. The State Bar of Michigan also accepted the respondent's resignation as a member of the State Bar on the same date.

## Disbarment and Restitution (By Consent)

**Dane P. Bays**, P71208, Marquette, by the Attorney Discipline Board, Upper Peninsula Hearing Panel #1, effective October 26, 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 contains the respondent's admissions that he was convicted of operating while intoxicated, 2nd offense, in violation of MCL 257.6256B; felony controlled substance possession, narcotic/cocaine, greater than 25 grams, in violation of MCL 333.74032A5; and probation violation. The stipulation further contains the respondent's admissions that he committed professional misconduct in his representation of three separate clients in bankruptcy matters; in his representation of another client in resolving an outstanding business matter; and that he failed to respond to four requests for investigation.

Based on the respondent's admissions and the stipulation of the parties, the panel found that the respondent neglected legal

## DUTY TO REPORT AN ATTORNEY'S CRIMINAL CONVICTION

All Michigan attorneys are reminded of the reporting requirements of **MCR 9.120(A)** when a lawyer is convicted of a crime:

### What to Report:

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**  
**Attorney Grievance Commission**  
**Buhl Building, Ste. 1700**  
**535 Griswold, Detroit, MI 48226**  
 and

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

matters entrusted to him, in violation of MRPC 1.1(c); failed to seek his clients' lawful objectives through reasonably available means permitted by law, 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 explain a matter to the extent reasonably necessary to permit his clients to make informed decisions regarding the representation, in violation of MRPC 1.4(b); failed to promptly pay or deliver any funds or other property that third parties were entitled to receive, and to render a full accounting upon request by clients or third persons, in violation of MRPC 1.15(b)(3); failed to deposit client or third-person funds in an IOLTA or non-IOLTA account, and hold the funds separate from his own, in violation of MRPC 1.15(d); upon termination of the representations, failed to take reasonable steps to protect the clients' interests, such as giving reasonable notice to the clients, allowing time for employment of other counsel, surrendering papers and property to which the clients were entitled, and refunding any advance payments of fees that had not been earned, in violation of MRPC 1.16(d); failed to make reasonable efforts to ensure that a nonlawyer subordinate's conduct was compatible with his professional obligations, in violation of MRPC 5.3(b); failed to properly supervise a nonlawyer assistant, in violation of MRPC 5.3(c); and failed to answer four 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 MRPC 8.4(a) and (c) and MCR 9.104(1)–(3).

In accordance with the stipulation of the parties, the hearing panel ordered that the respondent be disbarred from the practice of law in Michigan, effective October 26, 2016, and that he pay restitution in the total amount of \$25,200. Costs were assessed in the amount of \$1,109.10.

1. The date of the respondent's felony conviction and automatic suspension from the practice of law.

### Automatic Reinstatement

**MacKenzie Batzer Watson**, P78048, Flint, pursuant to MCR 9.123(A): November 29, 2017.

The respondent was suspended from the practice of law in Michigan for 30 days, effective September 5, 2017. In accordance with MCR 9.123(A), the suspension was terminated with the respondent's filing of an affidavit with clerk of the Michigan Supreme Court, and her full compliance with the terms and conditions of the Order of Suspension issued in this matter.

### Reprimand and Restitution With Condition (By Consent)

**Wright W. Blake**, P37259, Detroit, by the Attorney Discipline Board, Tri-County Hearing Panel #9, effective December 6, 2017.

The grievance administrator filed a formal complaint alleging that the respondent failed to notify his client of crucial appellate dates in his post-conviction criminal matter. 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 handled a legal matter without preparation adequate under the circumstances, in violation of MRPC 1.1(b); neglected a matter entrusted to him, in violation of MRPC 1.1(c); failed to seek

## TODD A. McCONAGHY



SULLIVAN, WARD, ASHER & PATTON, P.C.  
ATTORNEYS AND COUNSELORS AT LAW

### DEFENSE/ADVOCACY OF ALL GRIEVANCE & STATE BAR RELATED MATTERS

- Shareholder — Sullivan, Ward, Asher & Patton, P.C.
- Former Senior Associate Counsel — Attorney Grievance Commission
- Former District Chairperson — Character & Fitness Committee
- Fellow — Michigan State Bar Foundation
- Twenty years' experience in both public & private sectors

FREE CONSULTATION • [tmcconaghy@swappc.com](mailto:tmcconaghy@swappc.com) • 248.746.0700

## Reputation matters.



**CE**  
[www.ceflawyers.com](http://www.ceflawyers.com)

*The Grievance Defense choice of hundreds of lawyers and law firms in ethics matters.*



### DONALD D. CAMPBELL

[donald.campbell@ceflawyers.com](mailto:donald.campbell@ceflawyers.com) | (248) 351-5426

### COLLEEN H. BURKE

[colleen.burke@ceflawyers.com](mailto:colleen.burke@ceflawyers.com) | (248) 351-5427

# DEFENDING DRINKING DRIVERS

## WINNING DUI ARGUMENTS AND TECHNIQUES

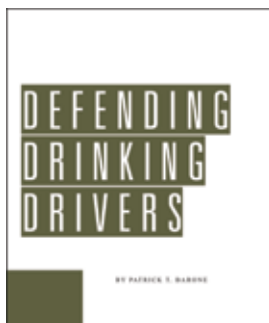
To challenge probable cause, keep the prosecution's evidence out, or file effective motions, you must have a well-prepared case. From initial client contact to sentencing, ***Defending Drinking Drivers*** will guide you through every phase of a drinking driving trial.

The book begins with the "nuts & bolts" of drunk driving defense, then focuses on teaching how to create "reasonable doubt." Particular attention is given to analyzing specific testing methods and handling expert witnesses.

This two-volume set offers court-tested strategy, practice tips, sample arguments and the most up-to-date case law and statutory changes to keep you on the cutting edge of drunk driving law. **Practical, step-by-step guidance** helps you:

SAVE 15%  
with coupon code

**MBJ15**



PRINT OR DIGITAL: with code  
\$263 \$223 MBJ15

[www.JamesPublishing.com](http://www.JamesPublishing.com)

- Identify sources of error in BAC calculations
- Successfully attack damaging chemical test results
- Effectively cross-examine the prosecution's key witnesses
- Find weaknesses in the use of field sobriety tests
- Suppress audiovisual evidence
- Know when and how to use experts cost-effectively



### AUTHOR: PATRICK T. BARONE

**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

Barone Defense Firm appears in their companion *America's Best Law Firms*. He has been rated "Seriously Outstanding" by *Super Lawyers*, rated "Outstanding/10.0" by *AWVO*, and has recently been rated as among the top 5% of Michigan's lawyers by *Leading Lawyers* magazine. Mr. Barone is the principal and founding member of The Barone Defense Firm, whose practice is limited exclusively to DUI cases including those involving injury or death.

To purchase your print copy or digital eBook of Patrick Barone's guide to winning DUI arguments, go to: [jamespublishing.com/shop/defending-drinking-drivers/](http://jamespublishing.com/shop/defending-drinking-drivers/)

**With offices in Birmingham and Grand Rapids, The Barone Defense Firm accepts referrals from throughout Michigan. Call 248-594-4554.**

the lawful objectives of his client, in violation of MRPC 1.2(a); failed to act with diligence and promptness in representing a client, in violation of MRPC 1.3; failed to keep his client informed of the status of the matter and comply promptly with reasonable requests for information, in violation of MRPC 1.4(a); and failed to explain the matter to the client to the extent reasonably necessary to permit the client to make an informed decision regarding the matter and representation, in violation of 1.4(b). The respondent was also found to have violated MCR 9.104(1)-(3).

In accordance with the stipulation of the parties, the panel ordered that the respondent be reprimanded and be subject to a condition relevant to the established misconduct. The respondent was also ordered to pay restitution totaling \$1,000. Costs were assessed in the amount of \$757.50.

### Reprimands (By Consent)

**William S. Boyd**, P78047, Traverse City, by the Attorney Discipline Board, Tri-County Hearing Panel #4, effective January 3, 2018.

The respondent and the grievance administrator filed a Stipulation for Consent Order of Reprimand with Condition, 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 William Stimson Boyd*, 84th District Court Case No. 15-4404-SD, of operating while visibly impaired, a misdemeanor, in violation of MCL 257.6253-A. 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); and engaged in conduct that violated 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).

In accordance with the stipulation of the parties, the hearing panel ordered that the respondent be reprimanded. Costs were assessed in the amount of \$783.51.

**Daniel J. Rust**, P32856, Redford, by the Attorney Discipline Board, Tri-County Hearing Panel #21, effective December 8, 2017.

The grievance administrator filed a formal complaint alleging that the respondent committed professional misconduct while acting as court-appointed appellate counsel in a criminal matter. A default was entered for the respondent's failure to answer the formal complaint, and the parties later 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, admissions, and the stipulation of the parties, the panel found that the respondent handled a legal matter without preparation adequate under the circumstances, in violation of MRPC 1.1(b).

In accordance with the stipulation of the parties, the panel ordered that the respondent be reprimanded. Costs were assessed in the amount of \$1,102.72.

## Suspensions

**Jason P. Ronning**, P64779, Hudsonville, by the Attorney Discipline Board, Kent County Hearing Panel #3, for 120 days, effective December 28, 2017.

Kent County Hearing Panel #3 issued an order on August 24, 2017, in *Grievance Administrator v Jason P. Ronning*, Case Nos. 17-27-JC; 17-28-GA, reprimanding the respondent with the condition that he contact the Lawyers and Judges Assistance Program (LJAP) within 30 days of the effective date, September 15, 2017, to schedule an evaluation and comply with any recommendations. The respondent was also ordered to pay restitution to a former client. Pursuant to the order, the grievance administrator filed an affidavit attesting to the respondent's failure to comply with the conditions of the order, in violation of MCR 9.104(9).

The hearing panel ordered that the respondent's license to practice law in Michigan be suspended for 120 days, effective December 28, 2017. Costs were assessed in the amount of \$1,500.

**Otis M. Underwood Jr.**, P21678, Oxford, by the Attorney Discipline Board, affirming Tri-County Hearing Panel #71's order of suspension, for 179 days, effective August 29, 2017.

The grievance administrator filed a formal complaint alleging that the respondent committed professional misconduct during protracted proceedings resulting from the issuance of a workers' compensation check issued over 15 years ago, stemming from the respondent's representation of a client in three separate actions directly related to an auto accident that occurred during the course of his client's employment. The hearing panel found that the respondent committed professional misconduct by bringing a proceeding or asserting an issue therein that was frivolous, in violation of MRPC 3.1; and, in an ex parte proceeding, failing to inform the tribunal of all material facts that were known to the lawyer, in violation of MRPC 3.3(d). The respondent was also found to have violated MCR 9.104(1)-(4) and MRPC 8.4(a) and (c).

The hearing panel ordered that the respondent's license to practice law in Michigan be suspended for 179 days. The grievance administrator filed a petition for review. Upon review, the Board affirmed the hearing panel's order of suspension on November 30, 2017. Total costs were assessed in the amount of \$3,361.69.

## Suspension and Restitution (With Condition)

**Jeffery A. Cruz**, P60284, Lansing, by the Attorney Discipline Board, Ingham County Hearing Panel #2, for two years, effective November 29, 2017.

Based on the respondent's default, the hearing panel found that he committed professional misconduct in his representation of a client in a custody and child support matter. The panel found that the respondent neglected a legal matter, in violation of MRPC 1.1(c); failed to act with reasonable diligence while representing 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 vio-

lation of MRPC 1.4(a); failed to explain a matter to a client to the extent reasonably necessary for a client to make informed decisions regarding the representation, in violation of MRPC 1.4(b); knowingly failed to respond to lawful demands for information by a disciplinary authority, in violation of MRPC 8.1(a)(2); failed to answer two requests for investigation, in violation of MCR

## REPRESENTING JUDGES AND LAWYERS IN ETHICS MATTERS

### DETTMER & DEZSI, PLLC

**Dennis A. Dettmer**  
**Michael R. Dezsi**

Ford Building  
Suite 1600  
Detroit, MI 48226

[ddettmeresq@yahoo.com](mailto:ddettmeresq@yahoo.com)  
(313) 281-8090

## 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:

**LAW OFFICES OF  
THOMAS M. LOEB**

**32000 Northwestern Hwy, Ste 170  
Farmington Hills, MI 48334-1507**

**(248) 851-2020**

**Fax (248) 851-2525**

**E-mail: [tmloeb@mich.com](mailto:tmloeb@mich.com)**



9.104(7) and MCR 9.113(A) and (B); and failed to provide timely notice of a suspension to a client, in violation of MCR 9.119(E). The respondent was also found to have violated MRPC 8.4(c) and MCR 9.104(1)–(3).

The panel ordered that the respondent's license to practice law be suspended for a period of two years. The panel also ordered that the respondent be required to pay restitution to complainant Greeman in the amount of \$450; and that the respondent would be required to take and pass the Michigan Professional Responsibility Exam before petitioning the Attorney Discipline Board for reinstatement. Costs were assessed in the amount of \$1,779.17.

### Automatic Interim Suspension

**Derrick N. Okonmah**, P68221, Clarkston, effective December 19, 2017.

On December 19, 2017, the respondent pled guilty to operating while intoxicated/impaired, 3rd offense, in violation of MCL 257.625(1) and (9)(c), a felony, and to operating while license suspended, revoked, or denied, second or subsequent offense, misdemeanor, in violation of MCL 257.904(3)(a) and (b), in the matter of *People of the State of Michigan v Derrick Nnabuiife Okonmah*, Oakland County Circuit Court. 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.

Upon the filing of a certified judgment of conviction, this matter will be 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.

### Suspensions (By Consent)

**Leigh Zalewski Ebrom**, P66266, Holland, by the Attorney Discipline Board, Allegan County Hearing Panel #1, for two years, effective December 5, 2017.

The grievance administrator filed Formal Complaint 17-37-GA, alleging that the respondent committed professional misconduct by misrepresenting the status of a client's premises liability matter and misleading another client regarding the status of her no-fault claim. 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, the respondent's default, and the stipulation of the parties, the panel found that the respondent neglected a legal matter entrusted to her, in violation of MRPC 1.1(c); failed to seek the lawful objectives of the 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, in violation of MRPC 1.4(a); engaged in dishonest conduct, contrary to MRPC 8.4(b) and MCR 9.104(3); and engaged in conduct that is prejudicial to the administration of justice, in violation of MRPC 8.4(c) and MCR 9.104(1). The respondent was also found to have violated MRPC 8.4(a) and MCR 9.104(2) and (4).

In accordance with the stipulation of the parties, the panel ordered that the respondent's license to practice law in Michigan be suspended for two years. Costs were assessed in the amount of \$757.08.

**Chad M. Lucia**, P41277, Flint, by the Attorney Discipline Board, Genesee County Hearing Panel #2, for 30 days, effective January 3, 2018.

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 committed acts of professional misconduct as the result of his improper use of an IOLTA account. The transactions were personal in nature and should not have been conducted through his IOLTA.

Based on the respondent's admissions and the stipulation of the parties, the panel found that the respondent held funds other than client or third-person funds relating to a representation in an IOLTA, in violation of MRPC 1.15(a)(3); deposited his own funds into an IOLTA in an amount more than reasonably necessary to pay financial institution charges or fees, in violation of

MRPC 1.15(f); failed to provide a full and fair explanation of the cause of the overdraft and how it was corrected, in violation of MRPC 1.15A(f); and, in connection with a disciplinary matter, knowingly made a false statement of material fact, in violation of MRPC 8.1(a). The respondent was also found to have violated MCR 9.104(2) and (3) and MRPC 8.4(a) and (b).

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. Costs were assessed in the amount of \$763.64.

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

**Jonathan F. Rosenthal**, P66851, Franklin, by the Attorney Discipline Board, Tri-County Hearing Panel #72, effective December 12, 2017.

The respondent failed to appear at the November 29, 2017 hearing. On December 4, 2017, the hearing panel, in accordance with MCR 9.115(H)(1), issued an order of suspension effective December 12, 2017, and until further order of the panel or the Board.

**Benjamin N. Rucker**, P39497, Lansing, by the Attorney Discipline Board, Ingham County Hearing Panel #5, effective December 26, 2017.

The respondent failed to appear at the December 7, 2017 hearing. On December 19, 2017, the hearing panel, in accordance with MCR 9.115(H)(1), issued an order of suspension effective December 26, 2017, and until further order of the panel or the Board.

### Suspension (With Condition)

**James R. Shaw**, P49003, Westland, by the Attorney Discipline Board, Tri-County Hearing Panel #13, for three years, effective November 29, 2017.<sup>1</sup>

The respondent was convicted, by guilty plea, of domestic violence, in violation of MCL 750.812, in *People of the State of Michigan v James Roger Shaw*, 35th District Court Case No. 15T458-SM. Based on this conviction, 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 hearing panel found that the respondent committed professional misconduct in his representation of a client in divorce and post-judgment proceedings at a time when the respondent was suspended from the practice of law.

The panel found that the respondent failed to notify all active clients of his suspension, in violation of MCR 9.119(A); had contact with a client or potential client in person, by telephone, or by electronic means during the period of suspension, in violation of MCR 9.119(E)(2); and held himself out as an attorney, in violation of MCR 9.119(E)(4). The respondent was also found to have violated MCR 9.104(1)–(3) and MRPC 8.4(b).

The panel ordered that the respondent's license to practice law be suspended for three years. The panel also ordered that, at the time he petitions for reinstatement, the respondent will be required to include an evaluation showing that he is both mentally and medically fit to practice law. Costs were assessed in the amount of \$2,656.75.

1. The respondent has been continuously suspended from the practice of law in Michigan since August 2, 2017. Please see Notice of Interim Suspension Pursuant to MCR 9.115(H)(1), issued July 26, 2017.

### Suspension With Condition (By Consent)

**Claude Timothy Beavers**, P62489, Berkeley, by the Attorney Discipline Board, Tri-County Hearing Panel #52, for 30 days, effective December 4, 2017.

The respondent and the grievance administrator filed an Amended Stipulation for 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 held funds other than client or third-person funds in an IOLTA, in violation of MRPC 1.15(a)(3); failed to hold property of his clients or third persons separate from his own, in violation of MRPC 1.15(d); and deposited his own funds into an IOLTA in excess of the 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).

The respondent was also found to have violated MCR 9.104(2)–(3) and 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 30 days, effective December 4, 2017. In addition, the panel ordered that the respondent attend the seminar entitled "Lawyer Trust Accounts: Management Principles and Recordkeeping Resources," offered by the State Bar of Michigan. Costs were assessed in the amount of \$764.16.

### Transfer to Inactive Status Pursuant to MCR 9.121(B) (By Consent)

**David G. Lutz**, P53665, West Bloomfield, by the Attorney Discipline Board, Tri-County Hearing Panel #70, effective December 8, 2017.

The grievance administrator filed a reciprocal discipline action, Case No. 17-74-RD,

that was consolidated by the Attorney Discipline Board with Formal Complaint 17-115-GA; 17-119-PI, which included allegations that the respondent is incapacitated and cannot continue the practice of law pursuant to MCR 9.121(B).

The grievance administrator and the respondent, through their respective counsel, filed a stipulation on November 29, 2017, agreeing that the respondent is currently incapacitated and unable to engage in the practice of law, and that he be transferred to inactive status until such time as he may be reinstated in accordance with MCR 9.121(E). The stipulation further contained the parties' agreement that the charges of misconduct contained in the formal complaint and the reciprocal discipline action be held in abeyance.

Tri-County Hearing Panel #70 issued an order transferring the respondent's license to inactive status pursuant to MCR 9.121(B) for an indefinite period and until further order of the Board, effective December 8, 2017.

## Let Experience Work For You

Attorney Discipline Defense and Law Firm Ethics Counseling

*20 years of experience as Senior Associate Counsel for the  
Michigan Attorney Grievance Commission*



Fran Rosinski knows the system. She uses a proactive and practical approach in:

- Disciplinary Matters
- Answering Requests for Investigation
- Hearings
- Appeals
- Reinstatements
- Character and Fitness Matters

**Frances A. Rosinski** | 313.309.9471 | frosinski@clarkhill.com **CLARK HILL**  
Legal and Professional Services

## ATTORNEY DISCIPLINE DEFENSE

### KENNETH M. MOGILL

- Adjunct professor, Wayne State University Law School, 2002–present
- Past chairperson, SBM Committee on Professional Ethics
- Past member, ABA Center for Professional Responsibility Committee on Continuing Legal Education
- Over 25 years experience representing attorneys in—discipline investigations/proceedings and ethics consultations; Bar applicants in character and fitness investigations/proceedings

### ERICA N. LEMANSKI

- Member, SBM Committee on Professional Ethics
- Experienced in representing attorneys in—discipline investigations/proceedings and ethics consultations; Bar applicants in character and fitness investigations/proceedings

**MOGILL, POSNER & COHEN** • 27 E. Flint Street, 2nd Floor • Lake Orion, MI 48362 • (248) 814-9470