

## Disbarments

**Lance Haddix**, P78018, Chicago, Illinois, by the Attorney Discipline Board, effective January 4, 2018.

In a reciprocal discipline proceeding under MCR 9.120(C), the grievance administrator filed a certified copy of an order denying the respondent's petition for review and disbaring the respondent from the practice of law in California, entered by the Supreme Court of California on November 18, 2015, *In Re KENNETH LANCE HADDIX on Discipline*.

An order regarding imposition of reciprocal discipline was served on the respondent on October 2, 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 \$1,542.10.

**Timothy H. McCarthy Jr.**, P74698, Okemos, by the Attorney Discipline Board, Ingham County Hearing Panel #5, effective March 18, 2017.

The hearing panel found that the respondent committed acts of professional misconduct in his representation of a client for medical malpractice claims arising out of an alleged unnecessary procedure performed

on the client. Specifically, the respondent neglected his client's legal matter, in violation of MRPC 1.1(c); failed to act with reasonable diligence and promptness in representing his client, in violation of MRPC 1.3; failed to keep his client reasonably informed about the status of the matter and comply promptly with reasonable requests for information, in violation of MRPC 1.4(a); made repeated misrepresentations to his client regarding the status of her matter and his purported efforts on her behalf, in violation of MRPC 8.4(b); made misrepresentations of the facts or circumstances surrounding a 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).

The panel ordered that the respondent be disbarred from the practice law in Michigan. The respondent filed a timely petition for review and a petition for stay of discipline pending the review proceedings. The Board denied the respondent's petition for stay of discipline on March 17, 2017, and affirmed the hearing panel's order of disbarment on August 30, 2017. On September 28, 2017, the respondent filed an application for leave to appeal with the Michigan Supreme Court. The respondent's application for leave to appeal was denied on January 3, 2018. Total costs were assessed in the amount of \$7,750.30.

## Disbarments and Restitution

**Alexander E. Kuhne**, P41382, Birmingham, by the Attorney Discipline Board, Tri-County Hearing Panel #77, effective January 9, 2018.

Based on the respondent's default, the hearing panel found that the respondent committed professional misconduct by failing to safeguard funds entrusted to him by a client, failing to timely provide proper and complete estate planning documents to another client, and by failing to respond to two requests for investigation and failing to respond to the petitioner's subpoena and demand for production of documents.

Specifically, the panel found that the respondent failed to provide competent representation to his client with regard to her

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legal matters, in violation of MRPC 1.1; neglected a legal matter entrusted to him, in violation of MRPC 1.1(c); failed to seek the lawful objectives of a client through reasonably available means permitted by law, in violation of MRPC 1.2(a); failed to act with reasonable diligence and promptness, in violation of MRPC 1.3; failed to keep a client reasonably informed about the status of the 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 a client to make informed decisions regarding the representation, in violation of MRPC 1.4(b); failed to promptly pay or deliver funds that the client was entitled to receive and failed to promptly provide a full accounting of such funds, in violation of MRPC 1.15(b)(3); failed to hold client funds in connection with the representation in an IOLTA or non-IOLTA trust account, and failed to appropriately safeguard such funds, in violation of MRPC 1.15(d); upon termination, failed to surrender papers to which the client was entitled, in violation of MRPC 1.16(d); 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 violation of MCR 9.113(A) and MCR 9.104(7). The respondent was also found to have violated MCR 9.104(2) and (3) and MRPC 8.4(b).

The panel ordered that the respondent be disbarred from the practice of law in Michigan and that he pay restitution to the two complainants in the total amount of \$127,473. Costs were assessed in the amount of \$2,517.48.

**Matthew John Stephens**, P74424, Okemos, by the Attorney Discipline Board, Ingham County Hearing Panel #3, effective January 24, 2018.<sup>1</sup>

Based on the respondent's default, the hearing panel found that the respondent committed professional misconduct while defending a client against a breach of contract suit stemming from a property dispute. The misconduct consists of his failure to attend to his responsibilities as counsel for his client in regard to the litigation he was hired to defend and also in taking her property, specifically a \$2,000 retainer fee and a \$250

payment for a letter sent to the opposing side in the litigation.

Specifically, the panel found that the respondent neglected a legal matter entrusted to him, in violation of MRPC 1.1(c); failed to seek the lawful objectives of a client through reasonably available means permitted by law, in violation of MRPC 1.2(a); failed to act with reasonable diligence and promptness, in violation of MRPC 1.3; failed to communicate with his client regarding the status of her legal matter, in violation of MRPC 1.4(a); failed to explain a matter to the extent reasonably necessary to permit a client to make informed decisions regarding the representation, in violation of MRPC 1.4(b); failed to hold property of his clients in connection with the representation separate from his own property, in violation of MRPC 1.15(d); failed to deposit legal fees and expenses that have been paid in advance in the client trust account, in violation of MRPC 1.15(g); failed to refund the unearned portion of the advance payment of fee, in violation of MRPC 1.16(d); and failed to answer a request 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)-(4) and MRPC 8.4(a).

The panel ordered that the respondent be disbarred from the practice of law in Michigan and that he pay restitution in the total amount of \$2,250. Costs were assessed in the amount of \$2,060.35.

1. The respondent has been continuously suspended from the practice of law in Michigan since January 26, 2017. Please see Notice of Interim Suspension Pursuant to MCR 9.115(H)(1), issued January 26, 2017, *Grievance Administrator v Matthew John Stephens*, Case No. 16-136-GA.

### Automatic Reinstatements

**Claude Timothy Beavers**, P62489, Berkley.

The respondent was suspended from the practice of law in Michigan for 30 days, effective January 3, 2018. 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, attesting to his full compliance with the terms and conditions of the Order of Suspension With Condition (By Consent) issued in this matter.

**Gary W. Jones**, P56072, Detroit, pursuant to MCR 9.123(A), effective January 5, 2018.

The respondent was suspended from the practice of law in Michigan for 90 days, effective June 15, 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, attesting to his full compliance with the terms

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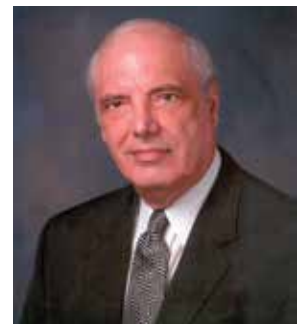
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and conditions of the Order of Suspension and Restitution with Condition (By Consent) issued in this matter.

### Reprimands (By Consent)

**John Dodson**, P38010, Livonia, by the Attorney Discipline Board, Tri-County Hearing Panel #22, effective January 19, 2018.

The respondent and the grievance administrator filed a Stipulation for Consent Order of Reprimand 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 in *People of the Township of Northville v John Schuyler Dodson*, 35th District Court Case No. 17V00732B-OT, of operator-owner let another violate motor vehicle code, a misdemeanor, in violation of MCL 257.326. Based on the respondent's conviction and his admission in the stipulation, it was established that the respondent engaged in conduct that violated a criminal law of a state or of the United States, an ordinance, or tribal law pursuant to MCR 2.615, 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 \$763.92.

**Robert J. Pleznac**, P18950, Kalamazoo, by the Attorney Discipline Board, Kalamazoo County Hearing Panel #2, effective January 9, 2018.

The respondent and the grievance administrator filed a 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 failed to promptly deliver funds that a client or third party was entitled to receive, in violation of MRPC 1.15(b)(3). The respondent was also found to have violated MCR 9.104(2) and MRPC 8.4(a).

In accordance with the stipulation of the parties, the panel ordered that the respondent be reprimanded. Costs were assessed in the amount of \$779.83.

**Raymond W. Szmagaj**, P51159, Union Lake, by the Attorney Discipline Board, Tri-County Hearing Panel #104, effective January 19, 2018.

The respondent and the grievance administrator filed a stipulation for consent order of reprimand 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 in *People of the State of Michigan v Raymond Walter Szmagaj, II*, 14A-4 District Court Case No. 174-0025, of operating with blood alcohol content of .17 or more, a misdemeanor, in violation of MCL 257.6251C. Based on the respondent's conviction and his admission in the stipulation, it was established that the respondent engaged in conduct that violated a criminal law of a state, contrary to MCR 9.104(5); and engaged in conduct that involved dishonesty, fraud, deceit, misrepresentation, or a 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).

In accordance with the stipulation of the parties, the hearing panel ordered that the respondent be reprimanded. Costs were assessed in the amount of \$769.96.

### Reprimands With Conditions (By Consent)

**Eugene H. Boyle Jr.**, P42023, Grosse Pointe Park, by the Attorney Discipline Board, Tri-County Hearing Panel #8, effective January 19, 2018.

The respondent and the grievance administrator filed a Stipulation for Consent Order of Reprimand 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 in *People of the State of Michigan v Eugene Henry Boyle*, 32nd District Court Case No. 2016-709723-SM, of domestic violence, a misdemeanor, in violation of MCL 750.812. Based on the respondent's conviction and his admission in the stipulation, it was established that the respondent engaged in conduct that violated a criminal law of a

state or of the United States, an ordinance, or tribal law pursuant to MCR 2.615, contrary to MCR 9.104(5).

In accordance with the stipulation of the parties, the hearing panel ordered that the respondent be reprimanded. Additionally, the panel ordered that the respondent be subject to conditions relevant to the established misconduct. Costs were assessed in the amount of \$769.92.

**Freddy E. Sackllah**, P64888, Canton, by the Attorney Discipline Board, Tri-County Hearing Panel #10, effective January 18, 2018.

The respondent and the grievance administrator filed a 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); and deposited his own funds in

a client trust account in an amount more than 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).

In accordance with the stipulation of the parties, the panel ordered that the respondent be reprimanded with a condition relevant to the established misconduct. Costs were assessed in the amount of \$1,041.02.

### Suspension

**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, 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);

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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. The respondent's motion for immediate consideration and motion for stay were denied by the Court on November 1, 2017; and the respondent's application for leave to appeal was denied on January 3, 2018. Total costs were assessed in the amount of \$3,553.31.

## Suspensions and Restitution

**Earl E. Erland**, P41917, Greenville, by the Attorney Discipline Board, Kent County Hearing Panel #1, for 45 days, effective January 19, 2018.

The hearing panel found that the respondent committed acts of professional misconduct while representing his client in a commercial litigation appeal and by failing to answer a request for investigation. The panel specifically found that the respondent neglected a legal matter entrusted to him, in violation of MRPC 1.1(c); failed to seek the lawful objectives of a client, by filing a motion for reconsideration without client

consent, in violation of MRPC 1.2(a); failed to keep his client reasonably informed about the status of a matter and comply promptly with reasonable requests for information, and/or failed to explain a matter to the extent reasonably necessary to permit his client to make informed decisions regarding the representation, in violation of MRPC 1.4; failed to return an unearned fee, in violation of MRPC 1.16(d); and failed to answer a request for investigation, in violation of MCR 9.104(7), MCR 9.113(A), and (B)(2), and MRPC 8.1(a)(2). 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 45 days and that the respondent pay restitution totaling \$2,000. The respondent filed a petition for review and request for stay, and the discipline ordered by the hearing panel was automatically stayed pursuant to MCR 9.115(K). The respondent failed to file a brief in support of his petition for review and the Board issued an order dismissing his petition on October 24, 2017. The respondent filed a motion for reconsideration, which was denied by the Board on December 21, 2017. Total costs were assessed in the amount of \$2,165.09.

**David M. Kipley**, P27376, Kalkaska, by the Attorney Discipline Board, Grand Traverse County Hearing Panel #1, for four years, effective February 2, 2018.

The respondent filed an answer to the formal complaint and appeared at the hearings. Based on the evidence presented by the parties at the hearings held in this matter, the hearing panel found that the respondent committed professional misconduct in his capacity as a conservator and personal representative; that he failed to appear or respond when subpoenaed; and that he failed to produce records requested by the Attorney Grievance Commission.

The panel found that the respondent collected a clearly excessive fee, in violation of MRPC 1.5(a); represented a client when the representation was materially limited by his own interests, in violation of MRPC 1.7(b); prepared a will which bequeathed himself a substantial gift from his client, in violation of MRPC 1.8(c); knowingly disobeyed an obligation of the rules of a tribunal, in viola-

tion of MRPC 3.4(c); breached his fiduciary duties under the Estate and Protective Individuals Code, in violation of MCL 700.7803 (breach of fiduciary duties); MCL 700.1502 (prudent investor rule); MCL 700.1506 (invest and manage fiduciary assets solely in interest of beneficiaries); MCL 700.5416 (applying fiduciary duty and standard of care applicable to trustee or conservator); MCL 700.5421 (conflict of interest of conservator); and knowingly failed to respond to a lawful demand for information, in violation of MRPC 8.1(a)(2). The respondent was also found to have violated MCR 9.104(1)–(3) and MRPC 8.4(a) and (c).

The panel ordered that the respondent's license to practice law be suspended for a period of four years and that he be required to pay restitution to the Estate of Catherine Louise Patterson in the amount of \$95,980.90. Costs were assessed in the amount of \$3,084.59.

## Automatic Interim Suspension

**Celia B. Washington**, P54338, Detroit, effective January 2, 2018.

On January 2, 2018, the respondent pled guilty to conspiracy to violate 18 USC 666 (theft or bribery concerning programs receiving federal funds), in violation of 18 USC 371 and 666(a), felonies, in the matter of *United States of America v Celia Washington*, U.S. District Court Eastern District of Michigan Southern Division, Case No. 2:17-cr-20662-DML-EAS. In accordance with MCR 9.120(B)(1), the respondent's license to practice law in Michigan was automatically suspended on the date her plea was accepted.

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.

## Amended<sup>1</sup> Suspension (By Consent)

**Chad M. Lucia**, P41277, Flint, by the Attorney Discipline Board, Genesee County Hearing Panel #2, for 30 days, effective January 16, 2018.

The respondent and the grievance administrator filed a 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. 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.

1. Amended as to effective date only. On January 5, 2018, a motion and stipulation was filed to change the commencement date of the respondent's suspension to January 16, 2018, to allow the respondent additional time to fully comply with MCR 9.119. An Order Granting Stipulated Motion to Change Commencement Date of Suspension was issued by the Genesee County Hearing Panel #2 on January 8, 2018.

### Automatic Suspension for Nonpayment of Costs

**Gary D. Hunley**, P30132, Dearborn, effective January 31, 2018.

The respondent was reprimanded and ordered to pay costs in *Grievance Administrator v Gary D. Hunley*, Case No. 14-66-GA by July 11, 2017. The respondent filed a motion for a payment plan regarding payment of costs. The Board granted the respondent's motion for a payment plan with a condition on December 18, 2014. On December 21, 2017, the Board vacated the pay-

ment plan and directed the respondent to pay the full balance of costs due on or before January 15, 2018. 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 January 23, 2018.

In accordance with MCR 9.128(D), the respondent's license to practice law in Michigan was automatically suspended on January 31, 2018, 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).

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

**Ralph M. Sherman**, P72455, St. Clair Shores, by the Attorney Discipline Board,

Tri-County Hearing Panel #11, effective January 24, 2018.

The grievance administrator filed Formal Complaint [Seeking to Transfer Respondent to Inactive Status Pursuant to MCR 9.121(B)] 17-142-PI alleging that the respondent is incapacitated and cannot continue the practice of law pursuant to MCR 9.121(B).

The grievance administrator and the respondent filed a stipulation on January 12, 2018, agreeing that the respondent is currently incapacitated and unable to engage in the practice of law, and that he be transferred to inactive status and until such time as he may be reinstated in accordance with MCR 9.121(E).

On January 24, 2018, Tri-County Hearing Panel #11 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.



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