

Disbarment

Steven B. Ruza, P41476, Jackson, by the Attorney Discipline Board, Washtenaw County Hearing Panel #2, effective June 16, 2018.¹

The respondent pled guilty to the felonies of intent to pass false title, in violation of MCL 257.254, and falsely certifying a driver's license, in violation of MCL 257.903, in the matter of *People of the State of Michigan v Steven Barry Ruza*, 30th Circuit Court. The respondent was convicted as a Habitual, 2nd offender. In accordance with MCR 9.120(B)(1), the respondent's license to practice law in Michigan was automatically suspended effective September 13, 2017, 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, an ordinance,

or tribal law pursuant to MCR 2.615, 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 \$1,756.13.

1. The respondent has been continuously suspended from the practice of law in Michigan since September 4, 2015. Please see Notice of Automatic Interim Suspension, issued September 23, 2015.

Disbarment and Restitution

Barry A. Steinway, P24137, West Bloomfield, by the Attorney Discipline Board, Tri-County Hearing Panel #61, effective August 26, 2022.¹

Based on the respondent's default, the hearing panel found that the respondent committed professional misconduct in his representation of Metro Auto Sales LLC, as to an insurance claim against ProCentury

Insurance and that he failed to answer a request for investigation.

The panel found that the respondent held funds other than client or third-party funds in an IOLTA, in violation of MRPC 1.15(a)(3); failed to promptly notify his clients when the settlement check was received, in violation of MRPC 1.15(b)(1); failed to promptly pay or deliver the settlement proceeds that his clients were entitled to receive, in violation of MRPC 1.15(b)(1); failed to keep his personal funds separate from client funds and/or disputed funds, in violation of MRPC 1.15(c); failed to safeguard the funds of clients in connection with a representation by failing to separate them from the respondent's own property, in violation of MRPC 1.15(d); used an IOLTA as a personal and/or business checking account, and wrote checks and made electronic transfers directly from the IOLTA in payment of personal and/or business expenses, in violation of MRPC 1.15(c) and (d); knowingly failed to respond to a lawful demand for information from a disciplinary agency, in violation of MRPC 8.1(a)(2); 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)–(c).

The panel ordered that the respondent be disbarred from the practice of law in Michigan and that he be required to pay restitution in the amount of \$19,500 to Metro Auto Sales, LLC, or its successor in interest, if that entity is no longer active at the time restitution is made. Costs were assessed in the amount of \$2,397.28.

1. The disbarment in this matter is to run concurrent to the respondent's disbarment, effective August 25, 2017, in *Grievance Administrator v Barry A. Steinway*, 17-5-GA.

Interim Disbarment

Michael L. Kalis, P23132, Dearborn, by the Attorney Discipline Board, Tri-County Hearing Panel #6, effective June 12, 2018.

After a public hearing held on June 12, 2018, Tri-County Hearing Panel #6 determined that the respondent be immediately disbarred from the practice of law in Michigan pending the issuance of the panel's report and order of discipline.

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Automatic Reinstatement

Roger Trerice, P45058, Bay City, pursuant to MCR 9.123(A), June 8, 2018.

The respondent was suspended from the practice of law in Michigan for 60 days, effective November 30, 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 and conditions of the Order of Suspension (By Consent) issued in this matter.

Reprimands

Andrew M. Ferguson, P42950, Flint, by the Attorney Discipline Board, effective June 13, 2018.

In a reciprocal discipline proceeding under MCR 9.120(C), the grievance administrator filed a certified copy of an opinion and order of reprimand entered by the United States District Court for the Eastern District of Michigan Southern Division, on June 23, 2017, *In re Richard J. Doud and Andrew M. Ferguson*, Case No. 15-mc-50494.

An order regarding imposition of reciprocal discipline was served upon the respondent on April 11, 2018. 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 reprimanded. Costs were assessed in the amount of \$1,558.67.

James R. McDaniel II, P66259, Dover, New Hampshire, by the Attorney Discipline Board, effective June 13, 2018.

In a reciprocal discipline proceeding under MCR 9.120(C), the grievance administrator filed a Stipulated Report of Findings and Order of the Grievance Commission entered by the State of Maine Board of Overseers of the Bar, on September 13, 2017, *Board of Overseers of the Bar v James R. McDaniel II*, GCF No. 16-260, publicly reprimanding the respondent.

An order regarding imposition of reciprocal discipline was served upon the

respondent on March 20, 2018. 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 reprimanded. Costs were assessed in the amount of \$1,513.34.

Reprimands (By Consent)

James Edward Brittain, P75873, Taylor, by the Attorney Discipline Board, Tri-County Hearing Panel #8, effective June 2, 2018.

The respondent and the grievance administrator filed a stipulation for a 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 agreement that he was convicted in a matter titled *People of the Township of Canton v James Edward Brittain*, 35th District Court Case No. 16C17883-OM, of operating while impaired by a controlled substance, a misdemeanor, in violation of MCL 257.625(8). Based on the respondent's conviction and the parties' stipulation, it has been established that the respondent engaged in conduct that violated a criminal law of a state or of the United States, contrary to MCR 9.104(5).

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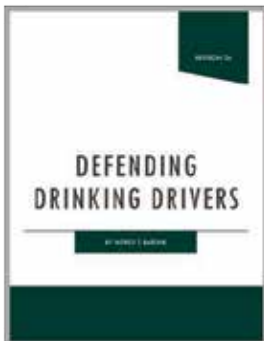
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In accordance with the stipulation of the parties, the hearing panel ordered that the respondent be reprimanded. Costs were assessed in the amount of \$970.98.

Michael D. Kennedy, P55983, Bloomfield Hills, by the Attorney Discipline Board, Tri-County Hearing Panel #76, effective June 16, 2018.

The respondent and the grievance administrator filed a stipulation for a 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 *People of the City of Birmingham v Michael Donald Kennedy*, 48th District Court Case No. 17BC01362A, of open intoxicants in vehicle, a misdemeanor, in violation of MCL 257.624A. 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 \$757.83.

H. Russell Smith, P35922, Southfield, by the Attorney Discipline Board, Tri-County Hearing Panel #80, effective June 23, 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 admissions to the allegations that he committed acts of professional misconduct as the result of his improper use of an IOLTA account from January 2017 through June 2017. Based on the respondent's admissions and the stipulation of the parties, the panel found that the respondent deposited his own funds in a client trust account in excess of an 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); and held funds other than client or third-person funds in an IOLTA, in violation of MRPC 1.15(a)(3). The respondent was also found to have violated MCR 9.104(2)–(4); 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 \$757.62.

Reprimands With Conditions (By Consent)

Edward J. Gudeman, P14454, Royal Oak, by the Attorney Discipline Board, Tri-County Hearing Panel #66, effective June 14, 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 admissions to the allegations that he committed acts of professional misconduct by taking loans against funds in an IOLTA account containing client funds and not maintaining properly executed documentation evidencing terms of the loan with his client. Based on the respondent's admissions and the stipulation of the parties, the panel found that the respondent entered into a business transaction or knowingly acquired an ownership, possessory, security, or other pecuniary interest adverse to a client, in violation of MRPC 1.8(a); and failed to preserve complete records of the client's funds and other property for a period of five years after termination of the representation, in violation of MRPC 1.15(b)(2).

In accordance with the stipulation of the parties, the panel ordered that the respondent be reprimanded and that he be subject to conditions relevant to the established misconduct. Costs were assessed in the amount of \$1,093.38.

Juliann Karenko, P42532, Kemah, Texas, by the Attorney Discipline Board, Tri-County Hearing Panel #28, effective June 14, 2018.

In a reciprocal discipline proceeding under MCR 9.120(C), the grievance administrator filed a certified copy of an order suspending the respondent's license to practice

law in Florida for a period of 10 days, entered by the Supreme Court of Florida, effective December 16, 2017, *The Florida Bar v Juliann K. Karenko*, Case No. SC17-857.

An order regarding imposition of reciprocal discipline was served upon the respondent on March 14, 2018. The parties objected and Tri-County Hearing Panel #28 was assigned to consider the matter. The respondent and the grievance administrator filed a stipulation for a consent order of discipline, in accordance with MCR 9.115(F)(5), which was approved by the Attorney Grievance Commission and accepted by the hearing panel.

The stipulation contained the respondent's admissions that she was disciplined for professional misconduct in the state of Florida. Based on the parties' stipulation and MCR 9.120(C)(1), the panel found that the respondent's misconduct was established and that, as comparable discipline, the respondent be reprimanded and subject to a condition relevant to the established misconduct. Costs were assessed in the amount of \$757.41.

Suspension and Restitution

Jason P. Ronning, P64779, Hudsonville, by the Attorney Discipline Board, Kent County Hearing Panel #5, for 180 days, effective June 1, 2018.¹

The hearing panel found that the respondent neglected a legal matter entrusted to him, in violation of MRPC 1.1(c); 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 the matter, and comply promptly with reasonable requests for information, in violation of MRPC 1.4; failed to refund an unearned fee, in violation of MRPC 1.16(d); failed to answer a request for investigation, in violation of MCR 9.104(7), MCR 9.113(A) and (B)(2); and knowingly failed to respond to a lawful demand for information from a disciplinary authority, in violation of 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 panel ordered that the respondent's license to practice law in Michigan be suspended for 180 days and that he be required

to pay restitution totaling \$1,000. Costs were assessed in the amount of \$1,838.48.

1. The respondent has been continuously suspended from the practice of law in Michigan since December 28, 2017. Please see Notice of Suspension, *Grievance Administrator v Jason P. Ronning*, Case No. 17-130-MZ, issued January 2, 2018.

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Suspensions and Restitution (By Consent)

Joseph Bernwanger, P71895, Dearborn Heights, by the Attorney Discipline Board, Tri-County Hearing Panel #4, for 30 days, effective June 8, 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 admissions that he committed acts of professional misconduct representing two separate clients in bankruptcy matters.

Based on the respondent's admissions and the stipulation of the parties, the panel found that the respondent neglected two legal matters entrusted to him, in violation of MRPC 1.1(c); and failed to keep two clients reasonably informed about the status of their matters and comply promptly with reasonable requests for information, in violation of MRPC 1.4(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 and that he be required to pay restitution to two complainants in the total amount of \$2,600. Costs were assessed in the amount of \$1,229.79.

Charles H. Marr, P36289, Livonia, by the Attorney Discipline Board, Tri-County

Hearing Panel #9, for 60 days, effective June 8, 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 in his representation of a father and daughter in a lawsuit to obtain possession of real property; in his representation of a married couple in a lawsuit involving an attack by a dog; in his representation of a client trying to expunge a criminal record; regarding the failure to answer a request for investigation and the failure to provide additional information regarding a different request for investigation.

Based on the respondent's admissions and the stipulation of the parties, the panel found that the respondent neglected legal matters entrusted to him, in violation of MRPC 1.1(c); failed to act with reasonable diligence and promptness in representing his clients, in violation of MRPC 1.3; failed to keep his 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 the 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 withdraw from representation of a client when the lawyer's physical or mental

condition materially impaired the lawyer's ability to represent the client, in violation of MRPC 1.16(a)(2); upon termination of representation, failed to refund an unearned fee, in violation of MRPC 1.16(d); failed to make reasonable efforts to expedite litigation consistent with the interests of the client, in violation of MRPC 3.2; failed to respond to a lawful demand for information from a disciplinary authority, in violation of MRPC 8.1(a)(2); and failed to answer a request for investigation in conformity with MCR 9.113(A) and (B)(2), in violation of MCR 9.104(7). The respondent was also found to have violated MCR 9.104(1)-(3); and MRPC 8.4(a) and (c).

In accordance with the stipulation of the parties, the hearing panel ordered that the respondent's license to practice law in Michigan be suspended for 60 days and that he be required to pay restitution to complainant Michael Blough in the amount of \$2,000. Costs were assessed in the amount of \$907.80.

Suspension and Restitution With Conditions (By Consent)

John P. Lozano, P52862, Saginaw, by the Attorney Discipline Board, Tri-Valley Hearing Panel #1, for 180 days, effective November 28, 2017.

Based on the respondent's default, the panel found that the respondent committed professional misconduct during his handling of a civil lawsuit and by failing to respond to a request for investigation.

Specifically, the hearing panel found that the respondent neglected a legal matter entrusted to him, in violation of MRPC 1.1(c); failed to seek the client's lawful objectives through reasonably available means permitted by law, in violation of MRPC 1.2(a); failed to notify his client 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); in the course of representing a client, knowingly made a false statement of material fact to a third person, in violation of MRPC 4.1; and failed to answer a request for investigation in violation of MCR 9.104(7), MCR 9.113(A),

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and (B)(2). The respondent was also found to have violated MCR 9.104(1)–(3) and MRPC 8.4(a)–(c).

On November 17, 2017, the panel ordered that the respondent's license to practice law in Michigan be suspended for 90 days. The grievance administrator filed a timely petition for review. On March 7, 2018, the parties filed a joint motion to dismiss the petition for review, which was granted by the Board on April 9, 2018.

The petitioner filed a motion for order to show cause why discipline should not be increased, alleging that the respondent had violated the panel's Order of Suspension when he held himself out as a lawyer while he was suspended from the practice of law in Michigan. 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 committed professional misconduct by holding himself out as a lawyer while suspended from the practice of law in Michigan, in violation of MCR 9.119(D).

The panel ordered that the respondent's license to practice law be suspended for 180 days, that the respondent pay restitution totaling \$3,250, and that the respondent be subject to conditions relevant to the established misconduct. Costs were assessed in the amount of \$1,967.66.

Automatic Interim Suspensions

Daniel Scott Carlson, P71918, Farmington Hills, effective May 31, 2018.

On May 31, 2018, the respondent was convicted of criminal sexual conduct—third degree, in violation of MCL 750.520d(1)(c), in the matter of *People of the State of Michigan v Daniel Scott Carlson*, Mecosta County Circuit Court Case No. 17-9071-FH. 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.

Robert M. Craig, P35139, Livonia, effective May 25, 2018.

On May 25, 2018, the respondent was convicted of operating while intoxicated—third offense, in violation of MCL 257.625(1)(a), a felony; and operating while license suspended, revoked, or denied, in violation of MCL 257.904(1)(b), a misdemeanor, in the matter of *People of the State of Michigan v Robert Michael Craig*, Third Circuit Court Case No. 17-002443-01-FH. 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.

Interim Suspension

Jesse J. Monville, P66760, White Pine, by the Attorney Discipline Board, Upper Peninsula Hearing Panel #2, effective May 14, 2018.

After a public hearing held on May 14, 2018, Upper Peninsula Hearing Panel #2 determined that the respondent's license to practice law in Michigan be immediately suspended pending the issuance of the panel's report and order of discipline.

Suspension With Condition (By Consent)

Sean Liles, P55377, Traverse City, by the Attorney Discipline Board, Grand Traverse County Hearing Panel #1, for three years, effective June 1, 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. Based on the respondent's admissions to the factual statements

and to the allegations of professional misconduct contained in both formal complaints and the stipulation of the parties, the panel found that the respondent committed professional misconduct.

Specifically, the panel found that the respondent deposited his own funds in a client trust account in an amount more than reasonably necessary to pay financial institution charges or fees or to obtain a waiver of service charges or fees, in violation of MRPC 1.15(f); failed to provide a full and fair explanation of the cause of an overdraft and how it was corrected, in violation of MRPC 1.15A(f); in connection with a disciplinary matter, knowingly made a false statement of material fact, in violation of MRPC 8.1(a); knowingly misrepresented facts and/or circumstances surrounding a request for investigation, in violation of MRPC 9.104(6); made a misrepresentation in his answer to the request for investigation, in violation of MCR 9.113(A); failed to fully and fairly disclose all facts and circumstances pertaining to the alleged misconduct in his answer to the request for investigation, in violation of MCR 9.113(A); signed and served two subpoenas without filing a notice of appearance and without providing a copy to the opposing counsel or party, in violation of MCR 2.506 and MCR 9.104(4); in representing a client, used means that had no substantial purpose other than to embarrass, delay, or burden a third person, or used methods of obtaining evidence that violated the legal rights of that person, in violation of MRPC 4.4; and knowingly made a false statement of material fact to a tribunal, in violation of MRPC 3.3(a)(1). 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 three years and that the respondent be subject to a condition relevant to the established misconduct. Costs were assessed in the amount of \$933.47.