

62 Notice of Hearings on Petitions for Reinstatement

PETITIONER

KEVIN S. ERNST

Notice is given that **Kevin S. Ernst**, P44223, has filed a petition in the Michigan Supreme Court and with the Attorney Grievance Commission seeking reinstatement as a member of the State Bar and restoration of his license to practice law.

The petitioner 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 petitioner's admission that he was convicted of (1) operating a motor vehicle with impaired ability, a misdemeanor, *People of Highland Township v Kevin Sean Ernst*, 52-1 District Court Case No. 98-001415 SO; (2) operating a motor vehicle with impaired ability, a misdemeanor, *People of the Village of Milford v Kevin Sean Ernst*, 52-1 District Court Case No. 06-00804000; and (3) operating while intoxicated/per se—3rd offense, in violation of MCL 257.6256D, a felony, *People of the State of Michigan v Kevin Sean Ernst*, 6th Circuit Court Case No. 17-261695-FH. Based on these convictions and the petitioner's admission in the stipulation, it has been established that the petitioner 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 MCR 9.120(B)(1), the petitioner's license to practice law in Michigan was automatically suspended on September 5, 2017, the date of his felony conviction.

The stipulation further contained the parties' agreement to dismiss the allegations that the petitioner failed to report his 1999 and 2006 convictions to the Attorney Discipline Board and the Attorney Grievance Commission within 14 days of the date of his plea, as required by MCR 9.120(A) and (B).

In accordance with the stipulation of the parties, the hearing panel ordered that the petitioner's license to practice law in Michigan be suspended for eight months, effective June 24, 2017.

A hearing is scheduled for Monday, September 17, 2018, at 9:30 am, at the office of

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

Any interested person may appear at the hearing and be heard in support of or in opposition to the petition for reinstatement. Any person having information bearing on the petitioner's eligibility for reinstatement should contact:

Michael K. Mazur
Associate Counsel
Attorney Grievance Commission
535 Griswold, Ste. 1700
Detroit, MI 48226
(313) 961-6585

REQUIREMENTS OF THE PETITIONER

Pursuant to MCR 9.123(B), the petitioner is required to establish the following by clear and convincing evidence:

1. He desires in good faith to be restored to the privilege of practicing law in Michigan.

2. The term of the suspension ordered has elapsed or five years have elapsed since his disbarment or resignation.

3. He has not practiced or attempted to practice law contrary to the requirement of his suspension or disbarment.

4. He has complied fully with the order of discipline.

5. His conduct since the order of discipline has been exemplary and above reproach.

6. He has a proper understanding of and attitude toward the standards that are imposed on members of the Bar and will conduct himself in conformity with those standards.

7. Taking into account all of the attorney's past conduct, including the nature of the misconduct that led to the revocation or suspension, he nevertheless can safely be recommended to the public, the courts, and the legal profession as a person fit to be consulted by others and to represent them and otherwise act in matters of trust and confidence, and, in general, to aid in the administration of justice as a member of the Bar and as an officer of the court.

8. If he has been suspended for three years or more, he has been recertified by the Board of Law Examiners.

9. He has reimbursed the Client Protection Fund of the State Bar of Michigan or has agreed to an arrangement satisfactory to reimburse any money paid from the fund as a result of his conduct.

PETITIONER

PAUL J. M. WALTNER

Notice is given that **Paul J. M. Waltner**, P48520, has filed a petition in the Michigan Supreme Court and with the Attorney Grievance Commission seeking reinstatement as a member of the State Bar and restoration of his license to practice law.

Effective August 13, 2015, the petitioner's license to practice law in Michigan was suspended for two years and 11 months and until further order of the Michigan Supreme Court, the Attorney Discipline Board, or a hearing panel.

The petitioner was convicted in the U.S. District Court for the Eastern District of Michigan for the felony of subscribing to a false tax return, in violation of 26 USC 7206(1). In accordance with MCR 9.120(B)(1), the petitioner's license to practice law in Michigan was automatically suspended effective August 13, 2015, the date of the petitioner's felony conviction.

On March 3, 2016, the grievance administrator filed a notice of judgment of conviction. The petitioner and 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 petitioner's conviction and his admission in the stipulation, the panel found that the petitioner had engaged in conduct that violated the criminal laws of the United States, contrary to MCR 9.104(5).

In accordance with the stipulation of the parties, the hearing panel ordered the petitioner's license to practice law in Michigan be suspended for two years and 11 months, effective August 13, 2015, the date of the petitioner's automatic interim suspension.

A hearing is scheduled for Thursday, October 4, 2018, beginning at 10 a.m., at the office of the hearing panel Chairperson, Jerold D. Lax, 24 Frank Lloyd Wright Dr.,

Lobby D, Ste. 2000, Ann Arbor, MI 48105, (734) 824-1046.

Any interested person may appear at the hearing and be heard in support of or in opposition to the petition for reinstatement. Any person having information bearing on the petitioner's eligibility for reinstatement should contact:

Charise L. Anderson
Associate Counsel
Attorney Grievance Commission
535 Griswold, Ste. 1700
Detroit, MI 48226
(313) 961-6585

REQUIREMENTS OF THE PETITIONER

Pursuant to MCR 9.123(B) and in the interest of maintaining the high standards imposed on the legal profession as conditions for the privilege of practicing law in this

state, and of protecting the public, the judiciary, and the legal profession against conduct contrary to such standards, the petitioner is required to establish the following by clear and convincing evidence:

1. He desires in good faith to be restored to the privilege of practicing law in Michigan.

2. The term of the suspension ordered has elapsed or five years have elapsed since his disbarment or resignation.

3. He has not practiced or attempted to practice law contrary to the requirement of his suspension or disbarment.

4. He has complied fully with the terms of the order of discipline.

5. His conduct since the discipline has been exemplary and above reproach.

6. He has a proper understanding of and attitude toward the standards that are imposed on members of the Bar and will

conduct himself in conformity with those standards.

7. Taking into account all of the attorney's past conduct, including the nature of the misconduct that led to the suspension or disbarment, he nevertheless can safely be recommended to the public, the courts, and the legal profession as a person fit to be consulted by others and to represent them and otherwise act in matters of trust and confidence, and, in general, to aid in the administration of justice as a member of the Bar and as an officer of the court.

8. If he has been suspended for three years or more, he has been recertified by the Board of Law Examiners.

9. He has reimbursed or has agreed to reimburse the Client Protection Fund any money paid from the fund as a result of his conduct. Failure to fully reimburse as agreed is grounds for revocation of a reinstatement.



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