

Disbarment (By Consent)

Scott C. Hess, P45865, Delafield, Wisconsin, by the Attorney Discipline Board, Tri-County Hearing Panel #23, effective April 26, 2018.¹

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 was convicted of two counts of wire fraud (felonies), in violation of 18 USC 1343, in the matter titled *United States of America v*

Scott Hess, United States District Court for the Eastern District of Wisconsin, Case No. 18-cr-44-1-JPS. Based on the respondent's conviction and his admission in the stipulation, the hearing 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 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 disbarred from the practice of law in Michigan. Costs were assessed in the amount of \$845.05.

1. The date of the respondent's Automatic Interim Suspension pursuant to MCR 9.120(B)(1).

Automatic Reinstatements

Richard Shant Norsigian, P77410, Royal Oak, reinstated pursuant to MCR 9.123(A): October 3, 2018.

The respondent was suspended from the practice of law in Michigan for 60 days, effective February 14, 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, Attorney Discipline Board, and Attorney Grievance Commission, attesting to his full compliance with the terms and conditions of the Order of Suspension and Restitution With Conditions issued in this matter.

Terianne Marie Schmidt, P67497, Harrison Township, reinstated pursuant to MCR 9.123(A): October 22, 2018.

The respondent was suspended from the practice of law in Michigan for 30 days, effective September 18, 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, the Board, and the administrator, attesting to her full compliance with the terms and conditions of the Order of Suspension With Conditions (By Consent) issued in this matter.

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Reinstatements (With Conditions)

Kevin S. Ernst, P44223, Detroit, by the Attorney Discipline Board, Tri-County Hearing Panel #27, effective October 10, 2018.

The petitioner was suspended from the practice of law in Michigan for 180 days, effective September 5, 2017. His petition for reinstatement, filed in accordance with MCR 9.123(B) and MCR 9.124, was granted by Tri-County Hearing Panel #27, which concluded that the petitioner satisfactorily established his eligibility for reinstatement in accordance with the guidelines of 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 10, 2018. Total costs were assessed in the amount of \$746.

Terry J. Nolan, P39093, Muskegon, by the Attorney Discipline Board, Kent County Hearing Panel #1, effective October 24, 2018.

The petitioner was suspended from the practice of law in Michigan for three years, effective November 5, 2014. His petition for reinstatement, filed in accordance with MCR 9.123(B) and MCR 9.124, was granted by Kent County Hearing Panel #1, which concluded that the petitioner satisfactorily established his eligibility for reinstatement in accordance with the guidelines of those court rules. On June 27, 2018, the panel issued its Order of Eligibility for Reinstatement With Conditions. On October 23, 2018, the Board received the required written documentation that the petitioner paid his bar dues with the State Bar of Michigan in accordance with Rules 2 and 3 of the Supreme Court Rules concerning the State Bar of Michigan and that the petitioner had been recertified by the State of Michigan Board of Law Examiners.

The Board issued an order reinstating the petitioner to the practice of law in Michigan with conditions, effective October 24, 2018. Total costs were assessed in the amount of \$1,614.37.

Reprimands

Jeffrey G. Bennett, P43946, Ypsilanti, by the Attorney Discipline Board, Washtenaw County Hearing Panel #3, effective October 6, 2018.

A show cause hearing was held in this matter on the grievance administrator's motion to increase discipline and petition for an order to show cause why discipline should not be increased for the respondent's failure to comply with Washtenaw County Hearing Panel #3's January 9, 2017 Order of Reprimand and Restitution (By Consent). The hearing panel found that the respondent failed to comply with the January 9, 2017 order by failing to timely pay the costs imposed. The respondent's failure

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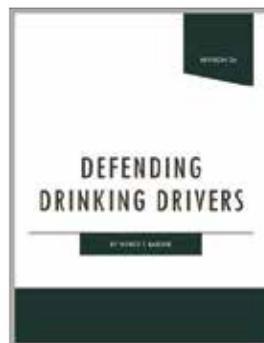
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to do so caused his license to practice law to be automatically suspended pursuant to MCR 9.128, effective February 15, 2017. The panel further found that while the respondent's license to practice law was suspended, he failed to provide written notice to his clients of his suspension from the practice of law, in violation of MCR 9.119(A);

failed to file with the tribunal and all parties a notice of his disqualification from the practice of law, in violation of MCR 9.119(B); failed to file a notice to withdraw or substitution of counsel, in violation of MCR 9.119(B); engaged in the practice of law while his license was suspended, in violation of MCR 9.119(E); and held himself out as an attorney while his license was suspended, in violation of MCR 9.119(E).

The panel ordered that the respondent be reprimanded. Costs were assessed in the amount of \$2,012.50.

Steven G. Cohen, P48895, Farmington Hills, by the Attorney Discipline Board, Tri-County Hearing Panel #1, effective October 24, 2018.

After proceedings in accordance with MCR 9.115, the hearing panel found that the respondent committed professional misconduct resulting from his filing of two documents in Wayne County Probate Court.

The panel found that the respondent engaged in undignified or discourteous conduct toward the tribunal, in violation of MRPC 3.5(d); and that he violated MCR 2.114(D)(3) and MCR 5.114(A)(1), in that he interposed a document in a probate proceeding for an improper purpose. The respondent was also found to have violated MCR 9.104(1), (2) and (4); and MRPC 8.4(c).

The hearing panel ordered that the respondent's license to practice law in Michigan be suspended for 180 days. 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 grievance administrator filed a cross-petition for review. Upon review, the Board affirmed the hearing panel's findings of misconduct, declined to increase the discipline imposed by the hearing panel, and instead, reduced the discipline imposed to a reprimand. Both the grievance administrator and the respondent filed applications for leave to appeal with the Michigan Supreme Court, which were denied on October 2, 2018. Total costs were assessed in the amount of \$9,513.05.

Phillip A. Stillman, P75996, Jupiter, Florida, by the Attorney Discipline Board, effective October 13, 2018.

In a reciprocal discipline proceeding under MCR 9.120(C), the grievance administrator filed a certified copy of an Order of the Supreme Court of Florida, entered on January 16, 2016, reprimanding respondent Philip A. Stillman, *The Florida Bar v Philip Alain Stillman*, Supreme Court of Florida, Case No. SC16-905.

An order regarding imposition of reciprocal discipline was served upon the respondent on July 18, 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 \$1,513.67.

Reprimand (By Consent)

Kendall L. Sailer, P50055, Sterling Heights, by the Attorney Discipline Board, Tri-County Hearing Panel #103, effective October 26, 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 commingling personal and client funds in his IOLTA account between January 2017 and December 2017.

Based on the respondent's admissions and the stipulation of the parties, the panel found that the respondent 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 in an IOLTA 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). The respondent was also found to have violated MCR 9.104(3) and (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 \$779.04.

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Suspensions

Earl E. Erland, P41917, Greenville, by the Attorney Discipline Board, Kent County Hearing Panel #1, for 180 days, effective August 21, 2018.¹

On December 21, 2017, the Attorney Discipline Board denied the respondent's motion for reconsideration of its order dismissing the respondent's petition for review of Kent County Hearing Panel #1's order issued on August 30, 2017, in *Grievance Administrator v Earl E. Erland*, Case No. 17-17-GA, suspending the respondent's license to practice law in Michigan for 45 days and requiring him to pay restitution totaling \$2,000. The Board's order established a new effective date and payment date of January 19, 2018, for the respondent's suspension and payment of restitution, respectively. On June 11, 2018, the grievance administrator filed a motion for an order to show cause why discipline should not be increased, alleging that the respondent failed to comply with the Board's December 21, 2017 order. Based on the evidence presented, the panel granted the grievance administrator's motion and imposed further discipline on the respondent.

The hearing panel ordered that the respondent's license to practice law in Michigan be suspended for 180 days, effective August 21, 2018, the date of the show cause hearing held before the panel.

1. The respondent has been continuously suspended from the practice of law since January 19, 2018. See Notice of Suspension and Restitution, *Grievance Administrator v Earl E. Erland*, Case No. 17-17-GA, issued January 22, 2018.

Matthew Nicholls, P74461, Davison, by the Attorney Discipline Board, Genesee County Hearing Panel #3, for 180 days, effective October 6, 2018.¹

Based on the respondent's default, the hearing panel found that the respondent committed professional misconduct by failing to answer a request for investigation and failing to respond to a lawful demand for information from a disciplinary authority.

The panel found that the respondent, in connection with a disciplinary matter, knowingly failed to respond to a lawful demand for information from a disciplinary authority, in violation of MRPC 8.1(a)(2)

and MCR 9.104(4); and failed to file with the grievance administrator a written answer signed by him fully and fairly disclosing all the facts and circumstances pertaining to the alleged misconduct contained in the request for investigation filed against him by the complainant, in violation of MCR 9.104(7) and MCR 9.113(A).

The panel ordered that the respondent's license to practice law in Michigan be suspended for 180 days. Costs were assessed in the amount of \$1,908.14.

1. The respondent has been continuously suspended from the practice of law since October 28, 2017. See Notice of Suspension With Condition, issued October 30, 2017, *Grievance Administrator v Matthew Nicholls*, Case No. 16-130-GA.

Suspension and Restitution (Pending Appeal)

Carolyn J. Jackson, P53018, Southfield, by the Attorney Discipline Board, Tri-

County Hearing Panel #51, for 180 days, effective July 26, 2018.¹

Based on the respondent's default, the hearing panel found that the respondent committed professional misconduct in her representation of a client in a post-divorce judgment matter to prepare and file a motion to modify child support and parenting time; her failure to answer a request for investigation; and her failure to appear, when subpoenaed, to answer questions under oath.

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 a client, in violation of MRPC 1.2(a); failed to act with reasonable diligence and promptness while representing a client, in violation of MRPC 1.3; failed to keep a client reasonably informed about the status of a matter and comply promptly with reasonable requests for information,

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in violation of MRPC 1.4(a); failed to refund an unearned advance payment of fee upon termination, 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 a request for investigation in conformity with MCR 9.113(A), in violation of MCR 9.104(7). 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 be suspended for 180 days and that she be required to pay restitution in the amount of \$1,500. The grievance administrator filed a petition for review, seeking an increase in discipline. The review hearing in this matter is scheduled for December 12, 2018.

1. The respondent has been continuously suspended from the practice of law in Michigan since May 17, 2018. See Notice of Suspension and Restitution, issued July 13, 2018, *Grievance Administrator v Carolyn J. Jackson*, Case No. 16-131-GA.

Automatic Interim Suspensions

Jarod M. Calkins, P64661, Carleton, effective September 5, 2018.

On September 5, 2018, the court accepted the respondent's guilty plea to four counts of violating MCL 750.505, a felony, in the matter of *The People of the State of Michigan v Jarod M. Calkins*, 38th Circuit Judicial Court, Case No. 18-244382-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.

Daniel C. Flint, P73983, Southfield, effective October 19, 2018.

On October 19, 2018, the respondent was convicted by a jury of entering an aircraft or airport area in violation of security requirements with intent to evade security procedures and restrictions, a felony, in violation of 49 U.S. Code § 46314(a), (b) (2), in the matter titled *United States of America v Daniel Flint*, US District Court, Central District of California, Western Division, Case No. CR 17-697-SJO. 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.

Mary J. Tatham, P56667, Phoenix, Arizona, effective August 20, 2018.

On August 20, 2018, the court accepted the respondent's guilty plea to one count of possession of drug paraphernalia, in violation of ARS § 13-3415, a class 6 felony; and to one count of interference with a judicial proceeding (violating an order of protection), in violation of ARS § 2810, a misdemeanor, in the matter of *The State of Arizona v Mary Josephine Tatham*, Maricopa County Superior Court of Arizona Case No. CR 2018-133457-001 SE. In accordance with MCR 9.120(B)(1), the respondent's license to practice law in Michigan was automatically suspended on the date of her 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)

Bart R. Frith, P39541, Vermontville, by the Attorney Discipline Board, Ingham County Hearing Panel #6, for one year, effective November 1, 2018.

The respondent and the grievance administrator filed a stipulation for a consent order of discipline, in accordance with

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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 during his representation of numerous indigent criminal defendants in appeals of their criminal convictions contrary to certain standards of practice imposed by the Michigan Appellate Assigned Counsel System.

Specifically, the panel found that the respondent neglected legal matters which were entrusted to him, in violation of MRPC 1.1(c); failed to seek the lawful objectives of his clients, in violation of MRPC 1.2(a); failed to act with reasonable diligence and promptness in the representation of his clients, in violation of MRPC 1.3; and violated Minimum Standard for Indigent Criminal Appellate Defense Services Standard 5, as adopted by the Michigan Supreme Court, by abandoning client appeals. The respondent was also found to have violated MCR 9.104(1)–(3).

The panel ordered that the respondent's license to practice law in Michigan be suspended for one year. Costs were assessed in the amount of \$764.96.

Henry Perez, Jr., P23138, Livonia, by the Attorney Discipline Board, Tri-County Hearing Panel #19, for 36 months, effective October 19, 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 contains the respondent's admission that he was convicted by guilty plea in a matter titled *People of the State of Michigan v Henry Perez*, 3rd Judicial Circuit Court, Case No. 17-002965-01-FH, of one count of assault and battery, a misdemeanor, in violation of MCR 750.81. Based on the respondent's conviction and the stipulation of the parties, the hearing panel found that the respondent committed professional misconduct by engaging in conduct that violated a criminal law of the state of Michigan, contrary to MCR 9.104(5).

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 36 months. Costs were assessed in the amount of \$908.32.

Interim Suspension Pursuant to MCR 9.115(H)(1)

Kenneth S. Karasick, P26238, Flint, by the Attorney Discipline Board, Genesee County Hearing Panel #2, effective October 5, 2018.

The respondent failed to appear at the September 14, 2018 hearing. On September 28, 2018, the hearing panel, in accordance with MCR 9.115(H)(1), issued an order of suspension effective October 5, 2018, and until further order of the panel or the Board.

Suspension With Conditions (By Consent)

Hussian Saleh, P72484, Pompano Beach, Florida, by the Attorney Discipline Board, Tri-County Hearing Panel #2, for 35 months, effective October 31, 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. The stipulation contains the respondent's admission that he was convicted of Conspiracy to Obtain a United States Passport by False Statement, a felony, in violation of 18 USC 371 and 18 USC 1542, in a matter titled *United States of America v Hussian Ali Saleh*, United States District Court, Eastern District of Michigan, Case No. 0645 2:17CR20541. Based on the respondent's conviction and the stipulation of the parties, the hearing panel found that the respondent committed professional misconduct by engaging in conduct that violated the criminal laws of the United States of America, contrary to MCR 9.104(5).

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 35 months and that he be subject to conditions relevant to the established misconduct. Costs were assessed in the amount of \$1,010.86.

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