

Reinstatement

Paul J. M. Waltner, P48520, Ypsilanti, by the Attorney Discipline Board, effective January 23, 2019.

The petitioner was suspended from the practice of law in Michigan for two years and eleven months, effective August 13, 2015. His petition for reinstatement, filed in accordance with MCR 9.123(B) and MCR 9.124, was granted by Washtenaw County Hearing Panel #1. The panel concluded that the petitioner satisfactorily established his eligibility for reinstatement in accordance with the guidelines of those court rules. On January

11, 2019, the panel issued its Order of Eligibility for Reinstatement. On January 22, 2019, the Board received the required written documentation that the petitioner had paid his dues with the State Bar of Michigan.

The Board issued an order reinstating the petitioner to the practice of law in Michigan, effective January 23, 2019.

Reinstatement (With Conditions)

Jose A. Sandoval, P57274, Wyoming, by the Attorney Discipline Board, Kent County Hearing Panel #1, effective January 4, 2019.

The petitioner was suspended from the practice of law in Michigan for 2½ years, effective April 15, 2011. His petition for reinstatement, filed in accordance with MCR 9.123(B) and MCR 9.124, was granted by Kent County Hearing Panel #1. The panel concluded that the petitioner satisfactorily established his eligibility for reinstatement in accordance with the guidelines of those court rules. On October 11, 2016, the hearing panel issued an Order Reaffirming Order of Eligibility for Reinstatement with Conditions; the Attorney Discipline Board issued its Order Affirming Hearing Panel Order of Eligibility for Reinstatement With Conditions on June 2, 2017; and the Michigan Supreme Court denied the grievance administrator's Application for Leave to Appeal on October 5, 2017. On January 4, 2019, the Board received confirmation that the petitioner had paid his bar dues in accordance with Rules 2 and 3 of the Supreme Court Rules concerning the State Bar of Michigan, and received confirmation that he was recertified by the State of Michigan Board of Law of Examiners on December 21, 2018.

The Board issued an order reinstating the petitioner to the practice of law in Michigan with conditions, effective January 4, 2019.

ATTORNEY DISCIPLINE DEFENSE

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- Past chairperson, SBM Committee on Professional Ethics
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- 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
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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**

Reprimand (By Consent)

Daniel R. Victor, P64703, Waterford, by the Attorney Discipline Board, Tri-County Hearing Panel #60, effective January 11, 2019.

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 and the stipulation of the parties, the panel found that the respondent negligently committed acts of professional misconduct when he practiced law while his license was suspended (for failure to pay bar dues), in violation of MCR 9.119(E)(1); appeared as an attorney before any court, judge, justice, board, commission, or other public authority while his license was suspended, in violation of MCR 9.119(E)(3); and held himself out as an attorney while his license was suspended, in violation of

MCR 9.119(E)(4). The respondent was also found to have violated MCR 9.104(1).

In accordance with the stipulation of the parties, the panel ordered that the respondent be reprimanded. Costs were assessed in the amount of \$775.56.

Reprimand With Conditions (By Consent)

Erica Cicchelli, P58553, Southfield, by the Attorney Discipline Board, Tri-County Hearing Panel #79, effective January 9, 2019.

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 and the stipulation of the parties, the panel found that the respondent committed acts of professional misconduct when she failed to hold property of clients in connection with a representation separate from her own property and failed to deposit all client funds in an IOLTA or non-IOLTA, in violation of MRPC 1.15(d); deposited her 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); and failed to deposit an expense paid in advance into a client trust account and to withdraw the funds only when the expense was incurred, in violation of MRPC 1.15(g). The respondent was also found to have violated MCR 9.104(2).

In accordance with the stipulation of the parties, the panel ordered that the respondent be reprimanded with conditions relevant to the established misconduct. Costs were assessed in the amount of \$1,504.71.

Suspension and Restitution

Anthony Della Pelle, P71551, Southfield, by the Attorney Discipline Board, Tri-County Hearing Panel #61, for 180 days, effective January 11, 2019.¹

Based on the respondent's default, the hearing panel found that the respondent committed professional misconduct in his

representation of three separate clients in their legal matters and failing to answer three requests for investigation.

The panel found that the respondent neglected his clients' legal matters, 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 failed to comply promptly with reasonable requests for information, in violation of MRPC 1.4(a); failed to refund unearned fees, in violation of MRPC 1.16(d); failed to timely answer three requests for investigation, in violation of MCR 9.104(7), MCR 9.113(A), and MCR 9.113(B)(2); and knowingly failed to respond to lawful demands for information from an admissions or disciplinary authority, 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(c).

The panel ordered that the respondent's license to practice law be suspended for 180 days and that he be required to pay restitution to three complainants in the amount of \$1,875. Costs were assessed in the amount of \$2,102.18.

1. The respondent has been continuously suspended from the practice of law in Michigan since December 6, 2018. See Notice of Interim Suspension Pursuant to MCR 9.115(H)(1), issued December 6, 2018.

Automatic Interim Suspensions

James R. Datsko, P24295, Elk Rapids, effective December 14, 2018.

On December 14, 2018, the respondent was convicted of causing mental harm to a child, a Class F felony in the state of Wisconsin, in violation of Wisconsin Statute 948.04, in a matter titled *State of Wisconsin v James Ross Datsko*, Brown County Circuit Court, Case No. 2017CF000221. 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.

Peter Truskolawski, P82006, Grosse Pointe Park, effective October 17, 2018.

On October 17, 2018, the respondent was convicted by guilty plea of wire fraud, a felony, in violation of 18 USC 1343, in the matter titled *United States of America v Peter Truskolawski*, U.S. District Court, Eastern District of Michigan, Case No. 2:18-cr-20565.

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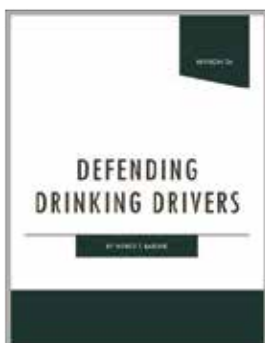
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AUTHOR: PATRICK T. BARONE

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 *AVVO*, 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 criminal practice focuses on intoxicated driving cases including those involving injury or death.

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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.

Suspension (By Consent)

Celia B. Washington, P54338, Farmington Hills, by the Attorney Discipline Board, Tri-County Hearing Panel #64, for 52 months, effective January 2, 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 she was convicted by guilty plea of Bribery Conspiracy Concerning Programs Receiving Federal Funds, a felony, in violation of 18 USC 371 and 666(a), in a matter titled *United States of America v Celia Washington*, U.S. District Court, Eastern District of Michigan, Case No. 2:17-cr-20662. 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 panel ordered that the respondent's license to practice law in Michigan be suspended for 52 months, effective January 2, 2018, the date of the respondent's automatic interim suspension, pursuant to MCR 9.120(B)(1). Costs were assessed in the amount of \$1,130.44.

Suspensions With Conditions (By Consent)

Robert M. Craig, P35139, Livonia, by the Attorney Discipline Board, Tri-County Hearing Panel #28, for 179 days, effective August 24, 2018.

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. The stipulation contained the respondent's admission that he was convicted in a matter titled *People of the State of Michigan v Robert Michael Craig*, Wayne County Circuit Court Case No. 17-002443-01-FH, of operating while intoxicated, 3rd offense, a felony, in violation of MCL 257.6256D, and of driving while license suspended, revoked, or denied, a misdemeanor, in violation of MCL 257.9041B. 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 179 days and that he be subject to conditions relevant to the established misconduct. Costs were assessed in the amount of \$926.34.

Ralph Wendell Kimble II, P64054, Coldwater, by the Attorney Discipline Board, Kalamazoo County Hearing Panel #4 for 180 days, effective January 8, 2019.

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, plea of no contest, and the stipulation of the parties, the panel found that the respondent committed professional misconduct in his position as Branch County Prosecutor by sexually harassing and/or by failing to treat several employees of the Branch County Prosecutor's Office, Circuit Court, and the Friend of the Court with courtesy and respect.

Specifically, the panel found that the respondent engaged in conduct that violated a criminal law, MCL 750.520e (fourth-degree criminal sexual conduct), contrary to MCR 9.104(5); engaged in conduct that involved a violation of the criminal law where such

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conduct reflected adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer, in violation of MRPC 8.4(b); and failed to treat with courtesy and respect all persons involved in the legal process and failed to take particular care to avoid treating such persons discourteously because of a person's race, gender, or other protected personal characteristic, in violation of MRPC 6.5(a). The respondent was also found to have violated MCR 9.104(2) and (3).

In accordance with the stipulation of the parties, the panel ordered that the respondent's license to practice law in Michigan be suspended for 180 days with the condition that the respondent resign as the Branch County Prosecutor, effective January 1, 2019. Costs were assessed in the amount of \$1,656.12.

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