

Disbarment

Andrew L. Shirvell, P70472, Palm Coast, Florida, by the Attorney Discipline Board, Tri-County Hearing Panel #11, effective April 21, 2017.

Based on the evidence presented by the parties at the hearings held in this matter, the hearing panel found that the respondent committed the professional misconduct alleged in Counts 1 and 2 of the formal complaint. The panel found that the respondent failed to treat all persons involved in the legal process with courtesy and respect and did so because of a pro-

tested personal characteristic, in violation of MRPC 6.5; brought a claim in the United States District Court for alleged tortious interference with a business relationship and thereafter continued to assert the issue without a basis for doing so that was not frivolous, in violation of MRPC 3.1; filed an appeal of the United States District Court's imposition of Rule 11 Sanctions and thereafter continued to assert the issue without a basis for doing so that was not frivolous, in violation of MRPC 3.1; engaged in conduct that involved dishonesty, fraud, deceit, misrepresentation, or violation of the criminal law, where such conduct reflects adversely

on the lawyer's honesty, trustworthiness, or fitness as a lawyer, contrary to MRPC 8.4(b); engaged in conduct that exposed the legal profession or the courts to obloquy, contempt, censure, or reproach, in violation of MCR 9.104(2); and engaged in conduct that was contrary to justice, ethics, honesty, or good morals, in violation of MCR 9.104(3). The respondent was also found to have violated MCR 9.104(1) and (4); and MRPC 8.4(a) and (c).

The panel ordered that the respondent be disbarred from the practice of law. The respondent filed a timely petition for review and a petition for stay of discipline pending the review proceedings. The grievance administrator filed an objection to the respondent's request, and, on June 28, 2017, the Attorney Discipline Board denied the respondent's request for a stay of discipline. Upon review, the Board affirmed the hearing panel's order of disbarment on May 8, 2018. The respondent's motion for reconsideration was denied by the Board on July 27, 2018. On August 23, 2018, 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 February 4, 2019. Total costs were assessed in the amount of \$3,846.03.

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Disbarment (Pending Appeal)

Donnelly W. Hadden, P14507, Ann Arbor, by the Attorney Discipline Board, effective February 7, 2019.

Washtenaw County Hearing Panel #1 found that the respondent misappropriated client funds and commingled them with his own, in violation of MRPC 1.15(b)(3) and (d); and MRPC 1.15A(a)(2). The hearing panel ordered that the respondent's license to practice law in Michigan be suspended for 45 days, effective July 12, 2016. The respondent did not petition for review, thus the suspension of his license to practice law became effective on July 12, 2016. Pursuant to MCR 9.123(A), the respondent's license to practice law in Michigan was automatically reinstated, effective August 31, 2016, with his filing of an affidavit of compliance with the Michigan Supreme Court, the Attorney Discipline Board, and the grievance administrator.

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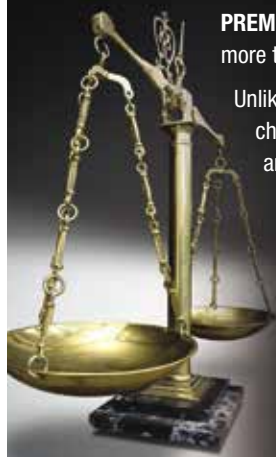
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The grievance administrator filed a petition for review, seeking an increase in the discipline imposed. The Attorney Discipline Board conducted review proceedings in accordance with MCR 9.118 on October 19, 2016. The Board subsequently issued an order referring the matter to a master for additional proceedings. A hearing before the master was held on May 11, 2018, and the master's report was issued on August 15, 2018. The Board then conducted supplemental review proceedings on October 16, 2018. On January 9, 2019, the Board issued an order increasing the discipline imposed from a 45-day suspension to disbarment, effective February 7, 2019, with credit for the 45-day period of suspension served between July 12, 2016, and August 30, 2016.

On January 28, 2019, the respondent filed an application for leave to appeal and a request for a stay of the effective date of the order of disbarment with the Michigan Supreme Court. Decisions on both requests remain pending.

Disbarment (With Conditions)

Kevin D. Muhammad, P68485, Detroit, by the Attorney Discipline Board, effective February 1, 2019.

In a reciprocal discipline proceeding under MCR 9.120(C), the grievance administrator filed a certified copy of a Memorandum Opinion and Order of Disbarment entered by the Supreme Court of Mississippi on August 2, 2006, in *The Mississippi Bar v Kevin D. Muhammad*, Cause No. 2005-B-00842.

An order regarding imposition of reciprocal discipline was served on the respondent on November 7, 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 disbarred from the practice of law in Michigan and subject to conditions relevant to the established misconduct. Costs were assessed in the amount of \$1,508.67.

Amended¹ Disbarment (With Condition)

Todd R. Branch, P61823, Grosse Pointe Farms, by the Attorney Discipline Board, Tri-

County Hearing Panel #3, effective February 28, 2019.²

Based on the respondent's default and the evidence presented at the hearing, the hearing panel found that the respondent committed professional misconduct when he committed numerous violations of Ontario's Law Society Act and the Law Society of Ontario's Rules of Professional Conduct and failed to answer a grievance administrator request for investigation, which alleged that the respondent's license to practice law in Canada had been revoked by the Law Society of Ontario. A Law Society Tribunal found that the respondent committed professional misconduct in Canada, which included (a) ungovernability, (b) practicing law while suspended on two occasions, (c) failing to cooperate with five Law Society investigations, and (d) failing to provide contact and other information to the Law Society.

The panel found that the respondent engaged in conduct that involved dishonesty, fraud, deceit, misrepresentation, or 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); failed to timely answer a request for investigation, in violation of MCR 9.104(7), MCR 9.113(A), and MCR 9.113(B)(2); and engaged in conduct that was prejudicial to the administration of justice, in violation of MRPC 8.4(c) and MCR 9.104(1).

The panel ordered that the respondent be disbarred from the practice of law in Michigan. The panel also ordered the respondent to return any and all client files that remain in his possession to the former client to whom the documents/files belong. Costs were assessed in the amount of \$1,671.67.

1. Amended to include condition.
2. The respondent has been continuously suspended from the practice of law in Michigan since August 9, 2017. Please see Notice of Interim Suspension Pursuant to MCR 9.115(H)(1), issued August 31, 2017.

Automatic Reinstatement

Donald J. Neville, P60213, Howell, reinstated pursuant to MCR 9.123(A): March 4, 2019.

The respondent was suspended from the practice of law in Michigan for 30 days,

effective January 30, 2019. 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 his full compliance with

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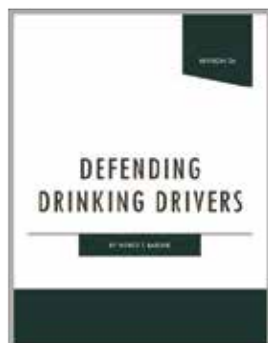
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the terms and conditions of the Order of Suspension With Conditions (By Consent) issued in this matter.

Reprimand and Restitution With Condition (By Consent)

Michael H. Fortner, P46541, Farmington Hills, by the Attorney Discipline Board, Tri-County Hearing Panel #63, effective January 30, 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 neglected a legal matter entrusted to him, in violation of MRPC 1.1(c); failed to seek the lawful objectives of his client, in violation of MRPC 1.2(a); failed to act with diligence and promptness in representing a client, in violation of MRPC 1.3; knowingly disobeyed a court order or rule of tribunal with no valid assertion that the obligation did not exist, in violation of MRPC 3.4(c); failed to make reasonably diligent efforts to comply with a legally proper discovery request by an opposing party, in violation of MRPC 3.4(d); violated or attempted to violate the Michigan Rules of Professional Conduct, contrary to MRPC 8.4(a); and engaged in conduct prejudicial to the administration of justice, in violation of MRPC 8.4(c) and 9.104(1). 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 be reprimanded and subject to a condition relevant to the established misconduct. The respondent was also ordered to pay restitution totaling \$650. Costs were assessed in the amount of \$784.29.

Reprimand (By Consent)

Jonathan C. Davis, P77886, Grass Lake, by the Attorney Discipline Board, Ingham Hearing Panel #7, effective March 14, 2019.

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 *Jackson City v Jonathan Coldren Davis*, 12th District Court Case No. 17-121-OD, of the misdemeanor of operating while intoxicated, in violation of MCL 257.625(1)(A). Based on the respondent's conviction and admissions in the stipulation, the hearing panel found that the respondent committed professional misconduct by engaging 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 \$765.64.

Reprimand With Condition (By Consent)

Matthew Broderick, P47403, Madison Heights, by the Attorney Discipline Board, Tri-County Hearing Panel #59, effective February 1, 2019.

The hearing panel dismissed Counts 1 and 2 of the formal complaint on the petitioner's motion. 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 to Count 3 of the formal complaint, and the stipulation of the parties, the panel found that the respondent failed to hold funds other than client or third-person funds relating to a representation in an IOLTA, in violation of MRPC 1.15(a)(3); failed to hold property of clients and third persons separate from his own property, in violation of MRPC 1.15(d); deposited funds into his IOLTA in an amount in excess of the 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 engaged in conduct in violation of the Michigan Rules of Professional Conduct, contrary to MRPC 8.4(a).

In accordance with the stipulation of the parties, the panel ordered that the respondent be reprimanded and subject to a condition relevant to the established misconduct. Costs were assessed in the amount of \$1,044.04.

Suspension and Restitution With Condition (By Consent)

Charlette Pugh Tall, P48780, Philadelphia, Pennsylvania, by the Attorney Discipline Board, Tri-County Hearing Panel #108, for 90 days, effective February 28, 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. The stipulation contained the respondent's plea of no contest that she committed acts of professional misconduct in Michigan and North Carolina when she charged client fees for loan modifications without completing the services promised; failed to ensure that nonlawyer employees' conduct was compatible with the lawyer's professional obligations; made

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false or misleading communications about the lawyer or the lawyer's services; failed to answer a request for investigation; and failed to appear when subpoenaed by the grievance administrator.

Based on the respondent's plea and the stipulation of the parties, the panel found that the respondent failed to keep her clients reasonably informed about the status of their matter, in violation of NCRPC¹ 1.4(a)(2); failed to promptly reply to reasonable requests for information, in violation of NCRPC 1.4(a)(3); failed to explain a matter to the extent reasonably necessary to permit her clients to make informed decisions regarding their representation, in violation of NCRPC 1.4(b); made an agreement for, charged, or collected an illegal fee, in violation of NCRPC 1.5; failed to hold entrusted property of her clients separate from her own property, in violation of NCRPC 1.15-2(a); failed to place trust funds in either a general trust account or a dedicated trust account, in violation of NCRPC 1.15-2(b); failed to refund an advance payment of an unearned fee upon termination of the representation, in violation of NCRPC 1.16(d); failed to act with reasonable diligence and promptness in representing a client, in violation of NCRPC 1.3; failed to make reasonable efforts to ensure that the firm or organization has in effect measures giving reasonable assurance that the conduct of nonlawyers employed or retained by or associated with her was compatible with her professional obligations, in violation of NCRPC 5.3(a)-(b); ordered or ratified nonlawyer conduct which was not compatible with her obligations, in violation of NCRPC 5.3(c)(1); failed to take reasonable remedial action to mitigate or avoid the consequences of nonlawyer conduct which was not compatible with her obligations, in violation of NCRPC 5.3(c)(2); made false or misleading communications about her services, in violation of NCRPC 7.1; solicited professional employment by in-person, live telephone, or real-time electronic contact when a significant motive for her doing so was her own pecuniary gain, in violation of NCRPC 7.3; engaged in conduct in violation of or attempted to violate the Rules of Professional Conduct, knowingly assisted or induced another to do so, or did so through the acts of

another, in violation of NCRPC 8.4(a); engaged in conduct that involved dishonesty, fraud, deceit, or misrepresentation that reflected adversely on the lawyer's fitness as a lawyer, in violation of NCRPC 8.4(c); engaged in conduct that was prejudicial to the administration of justice, in violation of NCRPC 8.4(d); failed to timely answer a request 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 a lawful demand for information from an admissions or disciplinary authority, in violation of MRPC 8.1(a)(2).

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 90 days; that she be required to pay restitution in the amount of \$1,500; and that she attend or participate in a continuing legal education seminar on the topic of multijurisdictional practice. Costs were assessed in the amount of \$975.13.

1. NCRPC are the North Carolina Rules of Professional Conduct. The respondent is not actively licensed to practice law in any state but Michigan. Pursuant to MRPC 8.5(a), "a lawyer admitted to practice in this jurisdiction is subject to the disciplinary authority of this jurisdiction, regardless of where the lawyer's conduct occurs." Pursuant to MRPC 8.5(b), the respondent was charged under the rules of the "jurisdiction in which the conduct occurred."

Automatic Interim Suspensions

Dennis Klimek, P80214, Shelby Township, effective January 23, 2019.

On January 23, 2019, the respondent was convicted of operating under the influence causing serious bodily injury, a felony, in violation of MCL 257.6256D, in a matter titled *State of Michigan v Dennis Klimek*, Macomb County Circuit Court, Case No. 2018-002281-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.

Jeffrey J. Palmer, P64035, Holland, effective February 27, 2019.

On February 27, 2019, the respondent was convicted of one count of a false tax return, a felony, in violation of 26 USC 726(1) and one count of wire fraud, a felony, in violation of 18 USC 1343, in a matter titled *United States of America v Jeffrey James Palmer*, United States District Court for the Western District of Michigan, Case No. 1:19-cr-35. 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)

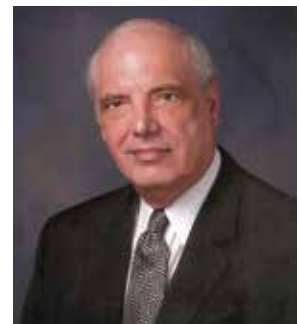
Ronald Thomas Bruce Jr., P62579, Monroe, by the Attorney Discipline Board, Tri-County Hearing Panel #2, for 90 days, effective November 30, 2018.¹

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 admissions that he committed acts of professional misconduct when, from July through November 2017, he held himself out to the public or otherwise represented that he was admitted to practice law, by maintaining his law firm under his name; and by having attorney Timothy Laitur make court appearances on behalf of the law firm and file pleadings on behalf of the law firm.

Based on the respondent's admissions and the stipulation of the parties, the panel found that the respondent practiced law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assisted another in doing so, in violation of MRPC 5.5(a); though not admitted to practice law in this jurisdiction, established an office or other systematic and continuous presence in this jurisdiction for the practice of law, in violation of MRPC 5.5(b)(1); though not admitted to practice in this jurisdiction, held himself out to the public or

otherwise represented that he was admitted to practice law in this jurisdiction, in violation of MRPC 5.5(b)(2); used or participated in the use of a form of public communication that was false, fraudulent, misleading, or deceptive, and contained a material misrepresentation of fact or omitted a fact necessary to make the statement considered as a whole not materially misleading, in violation of MRPC 7.1 (a); used a firm name, letterhead, or other professional designation that violated MRPC 7.1, contrary to MRPC 7.5(a); stated or implied that he practiced in a partnership or other organization, when that was not the fact, in violation of MRPC 7.5(d); during the period of his suspension, engaged in conduct that constituted the practice of law, in violation of MCR 9.119(E)(1); during the period of his suspension, appeared as an attorney before a court, in violation of MCR 9.119(E)(3); and during the period of his suspension, held himself out as an attorney, in violation of MCR

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9.119(E)(4). The respondent was also found to have violated MCR 9.104(1)–(4); 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 90 days. Costs were assessed in the amount of \$765.24.

1. The respondent has been continuously suspended from the practice of law in Michigan since June 30, 2017. See Notice of Suspension and Restitution With Condition, *Grievance Administrator v Ronald Thomas Bruce Jr.*, Case No. 16-101-GA, issued February 23, 2018.

Suspension (With Condition)

Robert A. Gross, P51411, Southfield, by the Attorney Discipline Board, Tri-County Hearing Panel #62, for 48 months, effective March 9, 2019.

The respondent was convicted of wire fraud, a felony, in violation of 18 USC 1343, in *United States of America v Robert A. Gross*,

U.S. District Court, Eastern District of Michigan, Case No. 2:17-cr-20790-DML-RSW-1. In accordance with MCR 9.120(B)(1), the respondent's license to practice law in Michigan was automatically suspended effective June 26, 2018, the date of the respondent's felony conviction.

Based on the respondent's convictions, the panel found that he engaged in conduct that violated a criminal law of a state, contrary to MCR 9.104(5).

The panel ordered that the respondent's license to practice law in Michigan be suspended for 48 months and that the respondent comply with all terms of restitution imposed by the United States District Court in his underlying criminal matter. Costs were assessed in the amount of \$2,049.11.

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

Mark Pritzlaff, P69287, East Lansing, by the Attorney Discipline Board, Ingham

County Hearing Panel #5, effective March 6, 2019.

The grievance administrator filed Formal Complaint 18-92-GA, which charged that the respondent committed acts of professional misconduct warranting discipline. The grievance administrator and the respondent filed a Stipulation to Transfer to Inactive Status Pursuant to MCR 9.121(B) on January 24, 2019, stating that the respondent is currently unable to continue the practice of law because of his medical incapacity and contains the respondent's stipulation to the entry of an order transferring him to inactive status. The stipulation further contains the parties' agreement to dismiss the formal complaint without prejudice.

On March 6, 2019, Ingham County Hearing Panel #5 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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