

Disbarment and Restitution

Julian M. Levant, P16592, Bloomfield Hills, by the Attorney Discipline Board, Tri-County Hearing Panel #77, effective July 20, 2019.

Based on the respondent's default and the evidence presented at the hearing, the hearing panel found that the respondent committed professional misconduct by, among other things, commingling, converting, and misappropriating his clients' funds in four separate counts of the formal complaint.

The panel found that the respondent failed to provide competent representation to his clients, in violation of MRPC 1.1;

neglected legal matters entrusted to him, in violation of MRPC 1.1(c); failed to seek the lawful objectives of his clients through reasonably available means permitted by law and the rules of the court and rules of professional conduct, in violation of MRPC 1.2(a); 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 to comply promptly with reasonable requests for information, in violation of MRPC 1.4(a); failed to explain a matter to the extent reasonably necessary to permit the clients to make informed decisions regarding their represen-

tation, in violation of MRPC 1.4(b); failed to promptly pay out or deliver funds that a third person was entitled to receive and failed to promptly render a full accounting of such funds, in violation of MRPC 1.15(b)(3); failed to promptly deliver funds to his client that the client was entitled to receive and failed to promptly render a full accounting of such funds, in violation of MRPC 1.15(b)(3); failed to appropriately safeguard client and third-party funds by failing to maintain them in an IOLTA and/or client trust account, in violation of MRPC 1.15(d); converted and/or misappropriated the funds provided to him by his clients, for the purpose of paying the client's judgment owed to a third person, in violation of MRPC 1.15(d); converted and/or misappropriated the funds provided to him by his client for the specific purpose of safekeeping from a disputed creditor, in violation of MRPC 1.15(d); and held client and/or third-person funds in a business operating account, not in an IOLTA or non-IOLTA client trust account, and commingled the funds with his own, in violation of MRPC 1.15(a)(3); 1.15(d); and 1.15(f). The respondent was also found to have violated MCR 9.104(1)–(3) and MRPC 8.4(b) and (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 total amount of \$75,630. Costs were assessed in the amount of \$4,904.25.

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Disbarment and Restitution (By Consent)

Julian M. Levant, P16592, Bloomfield Hills, by the Attorney Discipline Board, Tri-County Hearing Panel #64, effective August 8, 2019.¹

The respondent and the grievance administrator filed a Stipulation for Consent Order of Revocation/Disbarment With Restitution, 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 factual allegations and to the allegations of professional misconduct contained in the formal complaint, that the respondent committed professional misconduct when he failed to timely disburse proceeds from a judgment

to his client; failed to disburse the full amount his client was entitled to receive; failed to keep his client reasonably informed about the status of his matter and comply with reasonable requests for information; and upon termination of the representation, failed to surrender papers and property the client was entitled to receive. The client had to go to the extraordinary lengths of hiring new counsel and filing a police report to obtain the portion of the judgment due to him.

Based on the respondent's admissions and the stipulation of the parties, the panel found that the respondent failed to keep his client reasonably informed about the status of his matter and comply promptly with reasonable requests for information, in violation of MRPC 1.4(a); failed to explain a matter to his client to the extent reasonably necessary to permit the client to make informed decisions regarding the respondent's representation, in violation of MRPC 1.4(b); failed to promptly notify his client when the judgment proceeds were received, in violation of MRPC 1.15(b)(1); failed to promptly deliver funds that his client was entitled to receive, in violation of MRPC 1.15(b)(3); failed to properly render a full accounting to his client of the funds in his possession, in violation of MRPC 1.15(b)(3); converted and misappropriated client funds, in violation of MRPC 1.15(b)(3), 1.15(c), and 1.15(d); failed to appropriately safeguard client funds by failing to maintain them in an IOLTA and/or client trust account, in violation of MRPC 1.15(d); and, upon the termination of the representation of a client, failed to take reasonable steps to protect his client's interests, including surrendering papers and property to which the client was entitled, in violation of MRPC 1.16(d). The respondent was also found to have violated MCR 9.104(1)-(4); and MRPC 8.4(a)-(c).

In accordance with the stipulation of the parties, the hearing panel ordered that the respondent be disbarred from the practice of law in Michigan and pay restitution in the amount of \$4,305. Costs were assessed in the amount of \$1,109.90.

1. The respondent was disbarred in a separate, unrelated matter effective July 20, 2019. Please see Notice of Disbarment and Restitution, issued July 24, 2019, *Grievance Administrator v Julian M. Levant*, Case No. 17-156-GA.

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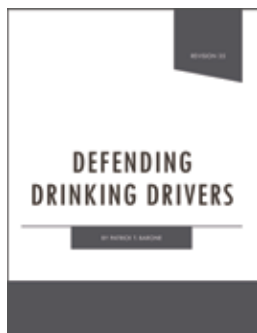
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Automatic Reinstatements

Robert M. Craig, P35139, Northville, reinstated pursuant to MCR 9.123(A): July 19, 2019.

The respondent was suspended from the practice of law in Michigan for 179 days, effective August 24, 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 his full compliance with the terms and conditions of the Order of Suspension With Conditions (By Consent) issued in this matter.

Richard J. Doud, P23271, Mackinac Island, reinstated pursuant to MCR 9.123(A): July 29, 2019.

The respondent was suspended from the practice of law in Michigan for 90 days, effective May 15, 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 his full compliance with the terms and conditions of the Order of Suspension issued in this matter.

Douglas A. Jacobson, P27849, Gladwin, reinstated pursuant to MCR 9.123(A): August 2, 2019.

The respondent was suspended from the practice of law in Michigan for 30 days, effective July 1, 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 the terms and conditions of the Order of Suspension With Conditions (By Consent) issued in this matter.

Reprimand

Kenneth S. Sebree, P65523, Detroit, by the Attorney Discipline Board, Tri-County Hearing Panel #28, effective July 9, 2019.

After proceedings in accordance with MCR 9.115, the hearing panel found that the respondent committed professional misconduct in his representation of a client and his

mother in a negligence action involving an automobile accident. Based on the respondent's plea of no contest to the allegations in the formal complaint, the panel found that the respondent failed to treat all persons involved in the legal process with courtesy and respect, in violation of MRPC 6.5(a); 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 panel ordered that the respondent be reprimanded. Costs were assessed in the amount of \$1,816.50.

Reprimands (By Consent)

Joshua L. Moore, P71021, Detroit, by the Attorney Discipline Board, Tri-County Hearing Panel #27, effective July 20, 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 admissions to the allegations that he committed acts of professional misconduct when he negligently filed the same form-type brief in a number of client matters, which included sparse statements of facts unsupported by citations to the record, relied on nearly identical legal authority, and made boiler-point arguments. The court described the respondent's pleadings as "one-size fits all" filings filed notwithstanding prior warnings from the court expressing its concerns and the unacceptable nature of the respondent's pleadings.

Based on the respondent's admissions and the stipulation of the parties, the panel found that the respondent handled a legal matter without preparation adequate in the circumstances, in violation of MRPC 1.1(b); failed to seek the lawful objectives of a client through reasonably available means permitted by law and the Michigan Rules of Professional Conduct, in violation of MRPC 1.2(a); failed to act with reasonable diligence in representing a client, in violation of MRPC 1.3; and, in legal proceedings, made

assertions or controverted issues therein without a basis for doing so that was not frivolous, in violation of MRPC 3.1. The respondent was also found to have violated MCR 9.104(1); and MRPC 8.4(c).

In accordance with the stipulation of the parties, the panel ordered that the respondent be reprimanded. Costs were assessed in the amount of \$765.50.

Michael M. Muller, P38070, Detroit, by the Attorney Discipline Board, Tri-County Hearing Panel #22, effective July 13, 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 *Township of Ypsilanti v Michael M. Muller*, 14B District Court Case No. 18T-00656-OD, of the misdemeanor of operating while intoxicated, in violation of MCL 257.625(1)(a).

Based on the respondent's conviction, admissions, and the parties' stipulation, the panel found that the respondent committed professional misconduct when he engaged in conduct that violated a criminal law of a state or of the United States, 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 \$787.28.

Reprimand With Conditions (By Consent)

D. Michael Cherry, P23882, Mt. Clemens, by the Attorney Discipline Board, Tri-County Hearing Panel #103, effective July 19, 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 admissions to the allegations that he committed acts of professional misconduct by engaging in conduct involving a violation of the criminal law.

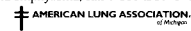
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Based on the respondent's admissions and the stipulation of the parties, the panel found that the respondent committed professional misconduct when he engaged in conduct that exposes the legal profession or the courts to obloquy, contempt, censure, or reproach, in violation of MCR 9.104(2); engaged in conduct involving a violation of the criminal law, where such conduct reflects adversely on the respondent's fitness as a lawyer, contrary to MRPC 8.4(b); engaged in conduct that is contrary to justice, ethics, honesty, or good morals, in violation of MCR 9.104(3); engaged in conduct that violates the standards or rules of professional conduct adopted by the Supreme Court, contrary to MCR 9.104(3) and MRPC 8.4(a); and engaged in conduct that violates a criminal law of a state, contrary to MCR 9.104(5).

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 \$757.75.

Suspension

Charles H. Marr, P36289, Livonia, by the Attorney Discipline Board, Tri-County Hearing Panel #9, for 120 days, effective February 28, 2019.¹

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 Tri-County Hearing Panel #9's May 17, 2018 Order of Suspension and Restitution (By Consent). The hearing panel found that based on the respondent's admissions, stipulations, and the exhibits presented, the respondent violated an order of discipline, which constituted misconduct under MCR 9.104(9); failed to notify his clients, the courts, and parties of record of his disqualification from the practice of law, in violation of MCR 9.119(A) and MCR 9.119(B); practiced law, had contact with clients or potential clients, appeared as an attorney before courts, and held himself out as an attorney, when he was suspended from the practice of law, in violation of MCR 9.119(E)(1)–(4).

The hearing panel ordered that the respondent's license to practice law in Michigan be suspended for 120 days, effective February 28, 2019, the date of the show cause hearing held before the panel. Costs were assessed in the amount of \$1,907.26.

1. The respondent has been continuously suspended from the practice of law since June 8, 2018. See Notice of Suspension and Restitution (By Consent), *Grievance Administrator v Charles H. Marr*, Case No. 17-155-GA, issued June 8, 2018.

Suspension and Restitution

Allison Dykehouse Cole, P78914, Grand Rapids, by the Attorney Discipline Board, Kent County Hearing Panel #2, for three years, effective July 19, 2019.

Based on the respondent's default, the hearing panel found that the respondent committed professional misconduct in her representation of a client in a divorce matter; as associate counsel for Tyton Holdings, Inc.; when she failed to answer two requests for investigation; and failed to appear when subpoenaed by the Attorney Grievance Commission.

The panel found that the respondent 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 a matter and comply promptly with reasonable requests for information, in violation of MRPC 1.4(a); failed to explain a matter to the client to the extent reasonably necessary to permit the client to make informed decisions regarding the representation, in violation of MRPC 1.4(b); revealed a confidence or secret of a client, in violation of MRPC 1.6(b)(1); used a confidence or secret of a client to the disadvantage of the client, in violation of MRPC 1.6(b)(2); used a confidence or secret of a client to the advantage of the lawyer or a third person, unless the client consents after full disclosure, in violation of MRPC 1.6(b)(3); represented a client when the representation of that client was materially limited by the lawyer's own interests, in violation of MRPC 1.7(b); failed to refund the unearned portion of an advance fee, in violation of MRPC 1.16(d); knowingly failed to respond to lawful demands for information from a disciplinary

authority, in violation of MRPC 8.1(a)(2); and failed to answer two requests 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 three years and that she be required to pay restitution in the amount of \$3,000. Costs were assessed in the amount of \$2,198.08.

Suspension and Restitution With Condition (By Consent)

Gary E. Apps, P46306, Kalamazoo, by the Attorney Discipline Board, Calhoun County Hearing Panel #1, for 179 days, effective July 5, 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 admissions to the allegations that he committed acts of professional misconduct when he was hired to pursue the collection of past due rent for several rental homes which his client managed. The formal complaint alleged that the respondent failed to notify the client that he received funds for two specific properties, placed those funds into his business account rather than an IOLTA account, did not distribute the funds due to the client, and misappropriated client monies.

Based on the respondent's admissions and the stipulation of the parties, the panel found that the respondent failed to keep a client reasonably informed regarding the status of a matter, in violation of MRPC 1.4(a); failed to promptly notify a client when funds in which the client had an interest in were received, in violation of MRPC 1.15(b)(1); and failed to hold property or funds of a client separate from the lawyer's own funds, in violation of MRPC 1.15(d). The respondent was also found to have violated MCR 9.104(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 179 days, that he be required to pay restitution in the amount of

\$659.94, and that he attend the "Tips and Tools" seminar offered by the State Bar of Michigan in spring 2019. Costs were assessed in the amount of \$797.42.

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

Alan E. Tucker, P60399, Dexter, by the Attorney Discipline Board, Washtenaw County Hearing Panel #2, effective July 16, 2019.

The grievance administrator filed a formal complaint seeking transfer to inactive status pursuant to MCR 9.121(B), alleging that the respondent is incapacitated and

cannot continue the practice of law pursuant to MCR 9.121(B). Contemporaneously, the grievance administrator and the respondent, through a power of attorney, filed a stipulation agreeing that the respondent is currently incapacitated and unable to engage in the practice of law, and that he be transferred to inactive status and until such time as he may be reinstated in accordance with MCR 9.121(E).

On July 16, 2018, Washtenaw County Hearing Panel #2 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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