

Disbarment

Nathaniel H. Simpson, P41722, Bloomfield Hills, by the Attorney Discipline Board, Tri-County Hearing Panel #67, effective August 23, 2019.

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 appeared in court before district court judges multiple times while his license to practice law was suspended; had contact

with clients or potential clients while suspended; practiced law while suspended; made false statements of material fact or law to a tribunal and failed to correct those false statements with the tribunal; and failed to answer a request for investigation.

The panel found that the respondent made a false statement of material fact or law to a tribunal or failed to correct a false statement of material fact or law previously made to the tribunal by the lawyer, in violation of MRPC 3.3(a)(1); knowingly failed to respond to a lawful demand for information

from an admission or disciplinary authority, in violation of MRPC 8.1(a)(2); 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 answer a request for investigation, in violation of MCR 9.104(7), MCR 9.113(A) and (B)(2); practiced law while suspended, in violation of MCR 9.119(E)(1); had contact with clients or potential clients while suspended, in violation of MCR 9.119(E)(2); appeared as an attorney before a court and judge while suspended, in violation of MCR 9.119(E)(3); and held himself out as an attorney while suspended, in violation of MCR 9.119(E)(4). 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. Costs were assessed in the amount of \$1,682.23.

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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**

Automatic Reinstatement for Payment of Costs

Robert Kurtycz, P71637, Portage, reinstated pursuant to MCR 9.123(A): August 22, 2019.

In accordance with MCR 9.128(D), the respondent's license to practice law in Michigan was automatically suspended on December 4, 2018, for failure to pay costs as ordered in *Grievance Administrator v Robert Kurtycz*, Case No. 18-87-GA, and until payment of costs and compliance in accordance with MCR 9.123(A).

The costs have been reimbursed to the State Bar of Michigan and, in accordance with MCR 9.123(A), the suspension was terminated with the respondent's filing of an affidavit of compliance with the clerk of the Michigan Supreme Court, the Attorney Discipline Board, and the Attorney Grievance Commission on August 22, 2019.

Suspensions

Nicholas C. Kefalos, P61162, Chicago, Illinois, by the Attorney Discipline Board, for six months, effective August 28, 2019.

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 Illinois suspending the respondent's license to practice law in Illinois for six months, entered by the Supreme Court of Illinois on March 19, 2019, *In RE: Nicholas Constantine Kefalos*, M.R. 029691.

An order regarding imposition of reciprocal discipline was served on the respondent on May 21, 2019. 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's license to practice law in Michigan be sus-

pending for six months. Costs were assessed in the amount of \$1,516.40.

Charles H. Marr, P36289, Livonia, by the Attorney Discipline Board, Tri-County Hearing Panel #16, for 30 days, effective August 31, 2019.¹

After proceedings in accordance with MCR 9.115 and based on the evidence presented by the parties at the hearings held in this matter, the hearing panel found that the respondent committed professional misconduct when he failed to file a written answer to a request for investigation from the grievance administrator which sought an explanation from the respondent as to why a restitution check, written from the respondent's

IOLTA account, was returned for insufficient funds.

The panel found that the respondent failed to answer a request for investigation in conformity with MCR 9.113, in violation of MCR 9.104(7); engaged in conduct that violated or attempted to violate the Michigan Rules of Professional Conduct, contrary to MRPC 8.4(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's license to practice law be suspended for

UPL Corner Introductory Article

By Sean M. Cowley and Barbara Baker Omerod,
SBM Standing Committee on the Unauthorized Practice of Law

We are privileged to serve the people of Michigan as lawyers admitted to the bar. Our oath of office charges us with defending the oppressed, seeking justice, and conforming to high standards of personal and professional conduct. We are regulated by the State Bar of Michigan, the Attorney Grievance Commission, and the Attorney Discipline Board to ensure that the public is protected when they need legal representation.

Unfortunately, some who are not regulated seek to represent Michigan citizens in legal matters. In some cases, the lay representation, although misguided and illegal, is well intended. In other cases, the representation does not have the best interests of the people being "represented" in mind. Paralegals, who are an important part of the delivery of legal services when operating under the direction of a licensed lawyer, sometimes attempt to represent parties in divorce proceedings or criminal matters. Some would-be pseudo-lawyers advertise their purported specialties in federal law areas and take advantage of those seeking relief in the federal bankruptcy system, in immigration matters and court proceedings, and when applying for veterans' benefits. Trust mills prey on our senior citizens. Out-of-

state lawyers who may be unfamiliar with Michigan law and procedures seek to represent parties in state proceedings without being admitted pro hac vice. The list goes on and touches virtually every area of legal practice.

This occasional column will shed light on some of the more common areas in which the unauthorized practice of law occurs and educate our members and the public about the risks associated with using unregulated individuals for legal matters. These articles will highlight specific issues and practice areas where victimization is prevalent.

The SBM Standing Committee on the Unauthorized Practice of Law investigates allegations of suspected unauthorized practice of law (UPL) activity in Michigan and authorizes injunctive litigation to be filed against recalcitrant offenders. Additional information about UPL is available at <http://www.michbar.org/professional/upl>. If you have information about suspected violations, please forward those concerns to the UPL committee at upl@michbar.org or call (517) 346-6305. Complaint forms are available at http://www.michbar.org/file/public_resources/complaintform.pdf.

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30 days. Total costs were assessed in the amount of \$1,758.72.

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.

Suspensions and Restitution (With Conditions)

Joshua R. Gordon, P37782, Hamtramck, by the Attorney Discipline Board, Tri-County Hearing Panel #1, for nine months, effective August 30, 2019.

Based on the respondent's default, the hearing panel found that the respondent committed professional misconduct when he failed to communicate the basis or rate of his fee to the mother of his client whom he was representing in a criminal matter, failed to refund an advance payment of fees that had not been earned, failed to timely answer a request for investigation, and knowingly failed to respond to a lawful demand for information from a disciplinary authority.

The panel found that the respondent failed to communicate the basis or rate of the legal fee, in violation of MRPC 1.5(b); failed to timely refund an unearned fee and surrender papers to which the client was entitled, in violation of MRPC 1.16(d); knowingly failed to timely respond to a lawful demand for information from a disciplinary authority, in violation of MRPC 8.1(a)(2); and failed to timely answer a request for investigation in conformity with MCR 9.113, in violation of MCR 9.104(7). The respondent was also found to have violated MRPC 8.4(c); and MCR 9.104(1)–(4).

The panel ordered that the respondent's license to practice law be suspended for nine months, that he be required to pay restitution in the amount of \$2,000, and that he be subject to conditions relevant to the established misconduct. Costs were assessed in the amount of \$1,762.25.

Jason P. Ronning, P64779, Hudsonville, by the Attorney Discipline Board, Ottawa County Hearing Panel #1, for 30 months, effective August 15, 2019.¹

Based on the respondent's default, the hearing panel found that the respondent committed professional misconduct when he practiced law while his license was suspended; neglected a client matter and failed to return a retainer fee paid by the client; failed to abide by a court order by failing to pay a money judgment entered against him; and failed to respond in a timely fashion to several requests for investigation from the Attorney Grievance Commission.

The panel found that the respondent neglected a legal matter entrusted to him, in violation of MRPC 1.1(c); failed to act with reasonable diligence and promptness in representing a client, in violation of MRPC 1.3;

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failed to keep a client reasonably informed about the status of their matter and comply promptly with reasonable requests for information, in violation of MRPC 1.4; failed to timely refund an unearned fee and surrender papers to which the client was entitled, in violation of MRPC 1.16(d); knowingly disobeyed an obligation under the rules of a tribunal, in violation of MRPC 3.4(c); made a false statement of material fact to a tribunal, in violation of MRPC 3.3(a)(1); practiced law while not licensed to do so, in violation of MRPC 5.5(a); knowingly failed to timely respond to a lawful demand for information from a disciplinary authority, in violation of MRPC 8.1(a)(2); engaged in conduct involving 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); failed to timely answer a request for investigation, in violation of MCR 9.104(7), MCR 9.113(A) and (B)(2); practiced law in violation of MCR 9.119(E)(1); had contact with clients, in violation of MCR 9.119(E)(2); appeared as an attorney before a court or judge, in violation of MCR 9.119(E)(3); and held himself out as an attorney, in violation of MCR 9.119(E)(4). The respondent was also found to have violated MRPC 8.4(a) and (c); and MCR 9.104(1)-(4).

The panel ordered that the respondent's license to practice law be suspended for 30 months, that he be required to pay restitution in the amount of \$10,000, and that he be subject to conditions relevant to the established misconduct. Costs were assessed in the amount of \$1,947.90.

1. The respondent has been continuously suspended from the practice of law in Michigan since December 28, 2017. See Notice of Suspension, *Grievance Administrator v Jason P. Ronning*, Case No. 17-130-MZ, issued January 2, 2018.

Automatic Interim Suspensions

Trevor Michael Salaski, P74703, Southfield, effective August 29, 2019.

On August 29, 2019, the respondent pled guilty to operating while intoxicated, third offense, in violation of MCL 257.625(1)A, a felony, in the matter titled *People v Trevor Michael Salaski*, Oakland County Circuit

Court, Case No. 19-270850-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.

James E. Stamman, P31541, North Fort Meyers, Florida, effective June 6, 2019.

On June 6, 2019, the respondent was found guilty by jury trial of Battery on a Law Enforcement Officer, in violation of Florida Statute 784.07 and 784.03, a felony, in the matter titled *State of Florida v James Edward Stamman*, Twentieth Judicial Circuit Court, Case No. 18-CF-020115. 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.

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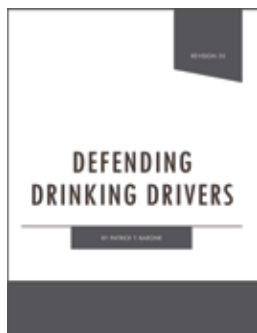
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AUTHOR: PATRICK T. BARONE

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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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The interim suspension will remain in effect until the effective date of an order filed by a hearing panel.

Suspension (Pending Appeal)

Fulton B. Eaglin, P24834, Claremont, California, by the Attorney Discipline Board, Tri-County Hearing Panel #8, for 179 days, effective September 13, 2019.

Based on the respondent's default, the panel found that the respondent committed professional misconduct when he engaged in double billing, overbilling, and improper billing, and failed to return money charged to a revocable living trust as ordered by the probate court.

Specifically, the hearing panel found that the respondent collected a clearly illegal or excessive fee, in violation of MRPC 1.5(a); failed to safeguard client money by misappropriating client funds, in violation of MRPC 1.15; failed to promptly notify the beneficiaries when he received funds in which the beneficiaries had an interest, in violation of MRPC 1.15(b)(1); failed to properly pay or deliver funds owed to the estate, the trust, and/or the beneficiaries, in violation of MRPC 1.15(b)(3); failed to surrender paper or property or to refund the advance payment of a fee that had not been earned upon termination of the representation, in violation of MRPC 1.16(d); knowingly disobeyed an obligation under the rules of a tribunal, in violation of MRPC 3.4(c); and breached the duty of loyalty expected of trustees by taking unfairly excessive trustee compensation contrary to beneficiary benefit, in violation of MCL 700.7802. The respondent was also found to have violated MCR 9.104(1)–(3); and MRPC 8.4(a)–(c).

The panel ordered that the respondent's license to practice law be suspended for 179 days. The grievance administrator filed a petition for review, seeking an increase in discipline. The review hearing in this matter is scheduled for December 11, 2019.

Suspension (With Condition)

Jesse J. Monville, P66760, White Pine, by the Attorney Discipline Board, Upper Peninsula Hearing Panel #1, for one year, effective May 15, 2020.¹

The respondent was convicted, by guilty plea, of use of a controlled substance, methamphetamine, a misdemeanor, in violation of MCL 333.74042A-A, in a matter titled *People of the State of Michigan v Jesse James Monville*, Ontonagon County Circuit Court Case No. 2018-19-FH. Additionally, based on the respondent's default for failing to answer the formal complaint, the hearing panel found that the respondent committed professional misconduct when he failed to report his misdemeanor conviction within 14 days to the Attorney Grievance Commission and to the Attorney Discipline Board and when he failed to answer a request for investigation from the grievance administrator.

The panel found that the respondent knowingly disobeyed an obligation under the rules of a tribunal, in violation of MRPC 3.4(c); knowingly failed to respond to a lawful demand for information from a disciplinary authority, in violation of MRPC 8.1(a)(2); 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); 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 one year and that he not be eligible to petition for reinstatement unless he has complied with the conditions and restitution of his prior two-year suspension in *Grievance Administrator v Jesse J. Monville*, Case Nos. 17-140-JC; 17-141-GA. Costs were assessed in the amount of \$2,034.30.

1. The respondent has been continuously suspended from the practice of law since May 14, 2018. See Order of Interim Suspension, issued May 18, 2018, *Grievance Administrator v Jesse J. Monville*, Case Nos. 17-140-JC; 17-141-GA. Also, the suspension in this matter is to run consecutive to the two-year suspension ordered by Upper Peninsula Hearing Panel #2 in *Grievance Administrator v Jesse J. Monville*, Case Nos. 17-140-JC; 17-141-GA.

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