

# 70 Orders of Discipline and Disability

## Disbarment and Restitution (By Consent)

**John P. Lozano**, P52862, Saginaw, by the Attorney Discipline Board, Tri-Valley Hearing Panel #3, effective September 16, 2020.

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. The stipulation con-

tained the respondent's admissions that he committed professional misconduct when he, in two separate unrelated matters, converted client funds being held in his IOLTA for his own use; made misrepresentations to one client about the status of her funds; and failed to respond to three requests for investigation.

Based on the respondent's admissions and the stipulation of the parties, the panel found that the respondent failed to promptly pay or deliver funds that the client or third

person is entitled to receive, in violation of MRPC 1.15(b)(3); knowingly disobeyed an obligation under the rules of a tribunal, in violation of MRPC 3.4(c); 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, in violation of MRPC 8.4(b); and, failed to answer three requests for investigation, in violation of MCR 9.104(7), MCR 9.113(A) and (B)(2). The respondent was also found to have violated MRPC 8.4(c) and MCR 9.104(1)–(3).

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 totaling \$40,110.84. Costs were assessed in the amount of \$882.70.

## Reinstatement (With Conditions)

**Richard James Indermuehle**, P78458, Sewickley, Pennsylvania, by the Attorney Discipline Board, effective September 11, 2020.

The petitioner's license to practice law in Michigan was suspended for 365 days on April 15, 2019. On April 15, 2020, the petitioner filed a petition for reinstatement pursuant to MCR 9.123(B) and MCR 9.124, which was assigned to Tri-County Hearing Panel #22. After a hearing on the petition, the panel concluded that the petitioner satisfactorily established his eligibility for reinstatement and on August 31, 2020, issued an Order of Eligibility for Reinstatement With Conditions. On September 8, 2020, the Board received confirmation that the petitioner paid his bar dues, in accordance with Rules 2 and 3 of the Supreme Court Rules concerning the State Bar of Michigan.

The Board issued an Order of Reinstatement (With Conditions) reinstating the petitioner to the practice of law in Michigan, with conditions, effective September 11, 2020.

## Reprimand (By Consent)

**Benjamin F. VanGelderens**, P78972, Southfield, by the Attorney Discipline Board, Tri-County Hearing Panel #56, effective September 10, 2020.

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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**

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. The stipulation contained the respondent's admissions, in Count One of the Formal Complaint, that he was retained by a client to file a civil suit against National Property Restoration Services (NPRS) for the return

of funds which the client deposited with NPRS for restoration work that was never done. Although the respondent filed a complaint and obtained a default judgment against NPRS, thereafter he neglected and abandoned his client's matter. The respondent admitted, in Count Two, that he was retained by a separate client to represent her in a civil matter against her former business partner. The respondent thereafter neglected and abandoned the matter, which

ultimately resulted in the dismissal of the civil action.

Based on the respondent's admissions and the stipulation of the parties, the panel found that the respondent neglected legal matters 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 violation of MRPC 1.3; and failed to keep his clients reasonably

## UPL Corner

### Pro Bono Legal Service Can Help Reduce the Unauthorized Practice of Law

By the Unauthorized Practice of Law Committee

Kandra Robbins and Peter Neu, Co-Chairs

The State Bar of Michigan has designated October as Pro Bono Month. Throughout the month, the State Bar of Michigan, the American Bar Association, and local bar associations across the state will join in various events to encourage pro bono legal services in their communities. Although this one month is marked as Pro Bono Month, the reality is that legal practitioners participate in pro bono legal service activities throughout the year, providing services to those in need. While attorneys provide pro bono service for a variety of reasons, one often overlooked reason is that it can help reduce the unauthorized practice of law.

Michigan law provides that a person shall not practice law, shall not lead others to believe that he or she is authorized to practice law, and shall not represent him or herself as an attorney unless the person is licensed and authorized to practice law in this state. MCL 600.916. The State Bar of Michigan is charged with investigating complaints from citizens, judges, and other legal practitioners regarding the unauthorized practice of law. Many of the complaints regarding the unauthorized practice of law come from low-income people who, because they believe they cannot afford legal services from a lawyer, turn to unlicensed individuals or document production services. Unfortunately, these arrangements often result in disastrous consequences; the person in need does not receive the competent legal services they require and often end up in worse

circumstances because they have relied on an unlicensed provider or service.

By providing pro bono legal services, licensed attorneys can help prevent and reduce the unauthorized practice of law. Individuals who need legal assistance but cannot afford to pay for those services are less likely to turn to other sources if they know they can receive quality legal information and assistance through pro bono services. There are pro bono service opportunities for all areas of legal expertise including family law, immigration law, estate planning, and public policy or civil justice initiatives. Of course, pro bono opportunities are not limited to just Pro Bono Month; they are available throughout the year through legal aid organizations and state and local bar associations.

During October and throughout the year, providing pro bono legal services not only helps those in need, but helps our profession discourage the unauthorized practice of law.

For more information on pro bono opportunities, legal clinics and events, the State Bar of Michigan Pro Bono Honor Roll, and the SBM Access to Justice Fund, visit [michbar.org/alawyerhelps](http://michbar.org/alawyerhelps).

*UPL Corner is a publication of the SBM Standing Committee on the Unauthorized Practice of Law and should not be construed as legal advice.*

## 72 Orders of Discipline and Disability

informed about the status of their matters, in violation of MRPC 1.4(a). 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 be reprimanded. Costs were assessed in the amount of \$1,115.22.

### Suspension (By Consent)

**Martin W. Buschle**, P39819, Grand Rapids, by the Attorney Discipline Board, Kent County Hearing Panel #3, for 180 days, effective September 3, 2020.

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. The stipulation contained the respondent's admissions to the allegations that he committed acts of professional misconduct by revealing client confidences to a third party.

Based on the respondent's admissions and the stipulation of the parties, the panel found that the respondent knowingly revealed a confidence or secret of a client, in violation of MRPC 1.6(b)(1); knowingly used a confidence or secret of a client to the disadvantage of a client, in violation of MRPC 1.6(b)(2); knowingly used a confidence or secret of a client for the advantage of the lawyer or of a third person, without client consent and full disclosure, in violation of MRPC 1.6(b)(3); used information relating to representation of a client to the disadvantage of the client, in violation of MRPC 1.8(b); and, engaged in conduct involving dishonesty and deceit, which reflects adversely on the respondent's honesty, trustworthiness, or fitness as a lawyer, in violation of MRPC 8.4(b). The panel also found that the respondent violated MCR 9.104(2), MCR 9.104(3), and MRPC 8.4(a).

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. Costs were assessed in the amount of \$1,212.44.



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