

Reprimand With Conditions (By Consent)

Thomas J. Blasen, P40250, Williamston, by the Attorney Discipline Board, Ingham County Hearing Panel #7, effective February 2, 2021.

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 admission that he was convicted—by guilty plea—of one count of operating while impaired, a misdemeanor, in violation of MCR 750.227c, in the 53rd Judicial District Court, Livingston

County, Case No. 19-1929-FY. Additionally, the stipulation contains the respondent's admission that he failed to answer a grievance administrator's Request for Investigation that was subsequently served on him requesting that he provide an explanation of the underlying events that led to his conviction.

Based upon the respondent's admissions and the stipulation of the parties, the panel found that the respondent engaged in conduct that violates a criminal law of a state or of the United States, an ordinance, or tribal law pursuant to MCR 2.615, in violation of MCR 9.104(5); failed to respond to a lawful demand for information from a disciplinary authority, in violation of MRPC 8.1(a)(2); and failed to 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 MCR 9.104(1)–(3) and MRPC 8.4(c).

In accordance with the stipulation of the parties, the hearing panel ordered that the respondent be reprimanded and subject to conditions relevant to the established misconduct. Costs were assessed in the amount of \$771.40.

Automatic Suspension for Nonpayment of Costs

Russell D. Brown, P60583, Ann Arbor, effective January 22, 2021.

In *Grievance Administrator v Russell D. Brown*, Case No. 20-32-GA, an Order of Reprimand (By Consent) was issued on April 23, 2020, with costs due on May 15, 2020. Pursuant to a June 19, 2020 Order Granting Respondent's Motion for Periodic Payments, the respondent was ordered to make monthly payments of \$94 with a final payment of \$92.64 to be due on or before June 3, 2021. The respondent failed to pay the costs as ordered and on January 14, 2021, the board issued an order vacating the respondent's payment plan and a certification of nonpayment of costs in accordance with MCR 9.128(C).

In accordance with MCR 9.128(D), the respondent's license to practice law in Michigan was automatically suspended on January 22, 2021, and, pursuant to MCR 9.128, that suspension will remain in effect until the costs have been paid and the respondent has complied with MCR 9.119 and 9.123(A).

Suspension (With Condition)

Robert A. Canner, P11572, Southfield, by the Attorney Discipline Board, Tri-County Hearing Panel #74, for 90 days, effective January 13, 2021.

The hearing panel found that the respondent committed professional misconduct during his representation of a client in a personal injury/premises liability matter, a second client in a claim against the City of Detroit for injuries suffered from a fallen tree, and a third client in a no-fault claim resulting from an auto accident.

Specifically, the panel found that the respondent neglected a legal matter entrusted to him, in violation of MRPC 1.1(c); failed

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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**

to seek the lawful objectives of the 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; failed to keep the client informed of the status of the matter and failed to promptly respond to reasonable requests for information regarding the client's matter, in violation of MRPC 1.4(a); failed to safekeep client property, in violation of MRPC 1.15(a); failed to promptly notify a third person that funds or property in which a third person has an interest were received, in violation of MRPC 1.15(b)(1); failed to promptly pay or deliver any funds or other property that

a third person is entitled to receive, in violation of MRPC 1.15(b)(3); failed to hold property of clients or third persons in connection with a representation separate from the lawyer's own property, in violation of MRPC 1.15(d); deposited his own funds into a client trust account in an amount more than reasonably necessary to pay financial institution service charges or fees, in violation of MRPC 1.15(f); failed to make reasonable efforts to ensure that the firm has in effect measures giving reasonable assurance that all lawyers in the firm conform to the Rules of Professional Conduct, in violation of MRPC 5.1(a); with direct supervi-

sory authority over another lawyer at the respondent's firm, failed to make reasonable efforts to ensure that the other lawyer conforms to the Rules of Professional Conduct, in violation of MRPC 5.1(b); engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation, where such conduct reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer, in violation of MRPC 8.4(b); and, entered into an agreement that the complainant shall withdraw a request for investigation, in violation of MCR 9.104(10)(b). The panel found that the respondent also violated MCR 9.104(1)-(4).

UPL Corner

An Attorney's Duty to Report the Unauthorized Practice of Law

By the Standing Committee on the Unauthorized Practice of Law

Peter Neu and Barbara BakerOmerod

While most attorneys know that it is illegal for an unlicensed individual to practice law, many attorneys may not be aware that they have an ethical duty to report the unauthorized practice of law (UPL). A lawyer may encounter UPL through information received from a client, by witnessing it in the community, or even through knowledge that an attorney is continuing to provide legal services after his or her license has been revoked or they have transferred to inactive status. In all these scenarios, an ethical obligation exists to report the suspected UPL activity, which stems from the Michigan Rules of Professional Conduct and ethics opinions interpreting the rule.

Rule 5.5(a) of the Michigan Rules of Professional Conduct states that "[a] lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so." Ethics opinions have repeatedly interpreted the phrase "or assist another in doing so" to require attorneys to actively prevent the unauthorized practice of law. See Michigan Informal Ethics Opinion C-239 (1986) ("We believe that [this rule] likewise requires more of a lawyer than simply avoiding active assistance to unauthorized practice. It is our opinion that an attorney has an ethical obligation to employ appropriate means to prevent unauthorized practice of law by nonlawyers."); see also Michigan Informal Judicial Ethics Opinion JI-26 (1990) ("[W]e have discussed and uniformly

concluded that lawyers and judges have a duty to not only report known unauthorized practice of law activity, but also to prevent it.")

To fulfill this obligation, lawyers should report suspected UPL activity to the State Bar of Michigan by filling out a simple complaint form. Under Rule 16 of the Rules Concerning the State Bar, the State Bar is empowered to investigate matters pertaining to the unauthorized practice of law and file and prosecute such matters. This function is carried out through the SBM Standing Committee on the Unauthorized Practice of Law and the Board of Commissioners. However, the fulfillment of this obligation relies upon reports from the public, the courts, and attorneys.

By reporting suspected instances of the unauthorized practice of law, attorneys can help the State Bar protect the public and fulfill their ethical obligations. The UPL complaint form, along with additional UPL information and resources, can be found on the State Bar's website at <https://www.michbar.org/professional/upl>.

Peter Neu is co-chair of the State Bar of Michigan Standing Committee on the Unauthorized Practice of Law. Barbara BakerOmerod is a member of the State Bar of Michigan Standing Committee on the Unauthorized Practice of Law.

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

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The panel ordered that the respondent's license to practice law be suspended for a period of 90 days and that he be subject to a condition relevant to the established misconduct. The respondent timely filed a petition for review and a petition for stay, which was granted automatically pursuant to MCR 9.115(K).

Following proceedings conducted in accordance with MCR 9.118, the board issued an opinion and order affirming the hearing panel's order of suspension with condition. The respondent then filed an application for leave to appeal to the Michigan Supreme Court, which was denied in an order issued on December 22, 2020. Total costs were assessed in the amount of \$5,366.90.

Interim Suspension Pursuant to MCR 9.115(H)(1)

Walter H. Czeizler, P12429, Farmington Hills, by the Attorney Discipline Board, Tri-County Hearing Panel #63, effective January 21, 2021.

The respondent failed to appear at the January 14, 2021 hearing and satisfactory proofs were entered into the record that the respondent possessed actual notice of the proceedings. As a result, the hearing panel issued an order of suspension, in accordance with MCR 9.115(H)(1), effective January 21, 2021, and until further order of the panel or the board.

Reprimand (By Consent)

Michelle L. DeMarco, P55795, Ludington, by the Attorney Discipline Board, Muskegon County Hearing Panel #2, effective January 30, 2021.

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 she was convicted by plea of operating while impaired by liquor, a misdemeanor, in violation of MCL 257.62531(A), in *City of Ludington v Michelle Lee DeMarco*, 79th District Court Case No. 19-12987OD.

Based on the respondent's conviction, admissions and the parties' stipulation, the panel found that the respondent committed professional misconduct when she 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, in violation of 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 \$750.

Amended Order of Reinstatement¹

On April 13, 2020, Tri-County Hearing Panel #104 entered an Order of Suspension in this matter suspending the respondent from the practice of law in Michigan for 120 days, effective May 5, 2020. On May 1, 2020, the respondent filed a Motion for Reconsideration of Hearing Panel per MCR 9.118(E). In response to a request for clarification from the Attorney Discipline Board, on May 18, 2020, the respondent filed a Petition for Stay Pursuant to Filing of Motion of Relief from Judgment or Order Under Rule 2.612(C)(1)(f) and Motion of Relief From Judgment or Order Pursuant to Rule 2.612(C)(1)(f). An Order Granting Interim Stay of Order of Discipline was issued on May 29, 2020. On June 19, 2020, the panel issued an Order Denying Respondent's Motion for Relief from Judgment and Dissolving Interim Stay of Order of Discipline. Pursuant to that order, the respondent's 120-day suspension from the practice of law became effective on July 11, 2020.

On December 21, 2020, the respondent, **Timothy Thomas Doty**, submitted an affidavit pursuant to MCR 9.123(A), stating that he has fully complied with all requirements of the Order of Suspension. On January 8, 2021, the board was advised that the grievance administrator had no objection to the affidavit; and the board being otherwise advised;

NOW THEREFORE,

IT IS ORDERED that the respondent, Timothy Thomas Doty, P75614, is **REINSTATED** to the practice of law in Michigan, effective January 12, 2021.

1. Amended as to the year of the effective date, and the year of the date on which the grievance administrator advised they had no objection.

Reprimand (By Consent)

C. Michael Gorte, P14213, Bay City, by the Attorney Discipline Board, Tri-Valley Hearing Panel #1, effective January 8, 2021.

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 upon the respondent's admissions and the stipulation of the parties, the panel found that the respondent committed professional misconduct by neglecting a client's divorce matter and mishandling his trust account.

Specifically, the panel found that the respondent neglected a legal matter, 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; and, deposited his own funds into a client trust account in an amount in excess of that reasonably necessary to pay financial insti-

tution service charges or fees or to obtain a waiver of service charges or fees, in violation of MRPC 1.15(f).

In accordance with the stipulation of the parties, the hearing panel ordered that the respondent be reprimanded. Costs were assessed in the amount of \$776.30.

Order of Reinstatement

On December 17, 2020, Tri-County Hearing Panel #27 entered an Order of Suspension in this matter suspending the respondent from the practice of law in Michigan for 30 days, effective December 18, 2020. On February 1, 2021, the respondent, **Andrew M. Hopko**, submitted an affidavit pursuant to MCR 9.123(A), stating that he has fully complied with all requirements of the Order of Suspension. On February 1, 2021, the board was advised that the grievance administrator had no objection to the affidavit; and the board being otherwise advised;

TODD A. McCONAGHY



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NOW THEREFORE, IT IS ORDERED that the respondent, Andrew M. Hopko, is **REINSTATED** to the practice of law in Michigan, effective February 1, 2021.

Order of Reinstatement

On January 13, 2020, Tri-County Hearing Panel #10 entered an Order of Suspension and Restitution with Condition in this matter suspending the respondent from the practice of law in Michigan for 30 days, effective February 4, 2020. The order also required the respondent to pay \$750 in restitution and contained a condition relevant to the established misconduct. The respondent filed a timely petition for review and request for stay with the board. The discipline ordered by the hearing panel was automatically stayed pursuant to MCR 9.115(K). After review proceedings were conducted in accordance with MCR 9.118(A), the board affirmed the hearing panel's order in its en-

tirety in an order entered on September 17, 2020. The respondent's 30-day suspension became effective October 16, 2020.

On January 21, 2021, the respondent, **Jelani Azikiwe-Konata Karamoko**, submitted an affidavit pursuant to MCR 9.123(A), stating that he has fully complied with all requirements of the Order of Suspension and Restitution with Condition. On January 26, 2021, the board was advised that the grievance administrator had no objection to the affidavit; and the board being otherwise advised;

NOW THEREFORE,

IT IS ORDERED that the respondent, Jelani Azikiwe-Konata Karamoko, is **REINSTATED** to the practice of law in Michigan, effective January 26, 2021.

Disbarment

Charles William Malette, P68928, Sault Ste. Marie, by the Attorney Discipline Board,

Upper Peninsula Hearing Panel #1, effective January 30, 2021.¹

The respondent was convicted by jury verdict of one count of aggravated stalking, a felony, in violation of MCL 750.411(D); one count of use of a computer to commit a crime, a felony, in violation of MCL 752.7973(D); and two counts of misdemeanor stalking, in violation of MCL 750.411(H), in a matter titled *People of the State of Michigan v Charles William Malette*, 50th Circuit Court Case No. 19-003922-FH. In accordance with MCR 9.120(B)(1), the respondent's license to practice law in Michigan was automatically suspended, effective November 1, 2019, the date of the respondent's felony convictions.

Based on his convictions, the panel found that the respondent engaged in conduct that violated criminal laws of a state or of the United States, an ordinance, or tribal law pursuant to MCR 2.615, in violation of MCR 9.104(5).

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- *United States v. Tocco et al*, 2006—RICO prosecution of 17 members and associates of the Detroit La Cosa Nostra (LCN). Case involved utilization of extensive electronic surveillance.
- *United States v. Zerilli*, 2002—prosecution of the number two ranking member of the Detroit LCN.

SIGNIFICANT ACCOMPLISHMENTS

- Letters of Commendation, Director of the Federal Bureau of Investigation: 2004, 2002, 1999, 1986, 1982.
- United States Department of Justice Directors Award 1999.



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The panel ordered that the respondent be disbarred from the practice of law in Michigan. Total costs were assessed in the amount of \$1,737.90.

1. The respondent has been continuously suspended from the practice of law in Michigan since November 1, 2019. Please see Notice of Automatic Interim Suspension issued November 26, 2019.

Reprimand (By Consent)

Harrell D. Milhouse, P43392, Flint, by the Attorney Discipline Board, Genesee County Hearing Panel #3, effective February 2, 2021.

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 upon the respondent's admissions and the stipulation of the parties, the panel found that the respondent committed professional misconduct by abandoning his representation of a client in a potential action arising from the purchase of a vehicle.

Specifically, 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; 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 extent reasonably necessary to permit a client to make informed decisions regarding the representation, in violation of MRPC 1.4(b); and, failed to take reasonable steps to protect a client's interests upon termination of representation, in violation of MRPC 1.16(d). The respondent was also found to have violated MCR 9.104(2)-(4) and MRPC 8.4(a).

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.

Automatic Interim Suspension

Amy Lynn Panek, P80870, Mount Pleasant, effective December 18, 2020.

On December 18, 2020, the court accepted the respondent's plea of guilty to possession with intent to deliver metham-

phetamine, in violation of MCL 333.7401(2)(b)(i), a felony, in the matter titled *People of the State of Michigan v Amy Lynn Panek*, 49th Circuit Court Case No. 20-009909-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 her 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.

Reprimand With Conditions (By Consent)

Craig L. Sigworth, P41247, Bloomfield Hills, by the Attorney Discipline Board, Tri-County Hearing Panel #76, effective February 6, 2021.

The respondent and the grievance administrator filed a Stipulation for Consent Order of Reprimand with Conditions, 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 of (1) operating while intoxicated, a misdemeanor, in violation of MCL 257.6251(A), in *City of Bloomfield Hills v Craig Leroy Sigworth*, 48th District Court Case No. 19-BH-01322OD and (2) of operating while visibly impaired, a misdemeanor, in violation of MCL 257.6252(C), in *City of Detroit v Craig Leroy Sigworth*, 36th District Court Case No. Z793550, as set forth in the administrator's Notice of Filing of a Judgment of Conviction filed on August 6, 2020. Additionally, the stipulation contains the respondent's admission that he failed to provide notice of these convictions to the Attorney Grievance Commission and Attorney Discipline Board, as alleged in the formal complaint combined with the judgment of conviction and filed the same date.

Based upon the respondent's admissions and the stipulation of the parties, the panel found that the respondent engaged in conduct that was contrary to justice, ethics, honesty, or good morals, in violation of MCR 9.104(3); 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, in violation of MCR 9.104(5) and MRPC 8.4(b); and failed to provide notice of his convictions, in violation of MCR 9.120(A) and (B).

In accordance with the stipulation of the parties, the hearing panel ordered that the respondent be reprimanded and subject to conditions relevant to the established misconduct. Costs were assessed in the amount of \$757.62.

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