

Automatic Reinstatements

Craig A. Aronoff, P57997, Keego Harbor, effective April 14, 2015.

The respondent was suspended from the practice of law in Michigan for 30 days, effective March 14, 2015. In accordance with MCR 9.123(A), the suspension was terminated with the respondent's filing of an affidavit of compliance with the Michigan Supreme Court on April 14, 2015.

Eric L. Naslund, P42648, Sylvan Lake, effective April 29, 2015.

The respondent was suspended from the practice of law in Michigan for 179 days,

effective November 1, 2014. In accordance with MCR 9.123(A), the suspension was terminated with the respondent's filing of an affidavit of compliance with the Michigan Supreme Court on April 29, 2015.

Gerald M. Zaborowski, P28122, Algonac, effective April 13, 2015.

The respondent was suspended from the practice of law in Michigan for 45 days, effective February 20, 2015. In accordance with MCR 9.123(A), the suspension was terminated with the respondent's filing of an affidavit of compliance with the Michigan Supreme Court on April 13, 2015.

Suspension

Gary D. Siegel, P28599, Waterford, by the Attorney Discipline Board, Tri-County Hearing Panel #64, for one year, effective July 15, 2015.

The respondent appeared at the hearing and filed an answer to the formal complaint. Based on the respondent's admissions and the testimony and exhibits presented at the hearing, the panel found that the respondent, in a personal injury matter, neglected the matter, in violation of MRPC 1.1(c); failed to seek the lawful objectives of his client through reasonably available means permitted by law, in violation of MRPC 1.2(a); failed to act with reasonable diligence and promptness in representing his client, in violation of MRPC 1.3; failed to keep his client reasonably informed about the status of her 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 his client to make informed decisions regarding the representation, in violation of MRPC 1.4(b); held funds other than client or third person funds in an IOLTA, in violation of MRPC 1.15(a)(3); failed to hold property of clients or third persons in connection with a representation separate from his own property, in violation of MRPC 1.15(d); deposited his own funds into an IOLTA in an amount more than reasonably necessary to pay financial institution charges or fees, in violation of MRPC 1.15(f); and engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation, contrary to MRPC 8.4(b). The panel also found that the respondent violated MCR 9.104(1)-(4) and MRPC 8.4(a).

The panel ordered that the respondent's license to practice in Michigan be suspended for one year and assessed costs in the amount of \$1,980.73.

Suspension and Restitution (By Consent)

Robert E. Slameka, P20567, Detroit, by the Attorney Discipline Board, Tri-County Hearing Panel #11, for 180 days, effective May 1, 2015.

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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 contains the respondent's admission to the allegations of misconduct contained in the grievance administrator's notice of filing of judgment of conviction, filed in accordance with MCR 9.120(B)(2), showing that on May 27, 2014, the respondent was convicted by guilty plea of the misdemeanor offenses of larceny between \$200–\$1,000 and breaking and entering without permission, in violation of MCR 9.104(5).

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 180 days, effective May 1, 2015, as stipulated by the parties. The panel further ordered that the respondent pay restitution in the aggregate amount of \$7,800. Costs were assessed in the amount of \$756.69.

Suspension and Restitution (With Condition)

Trevor M. Robinson, P69326, Lansing, by the Attorney Discipline Board, Ingham County Hearing Panel #6 for 180 days, effective April 29, 2015.

The respondent was in default for his failure to file an answer to the formal complaint but he did appear at the hearing. Based on the respondent's default, the hearing panel found that the respondent neglected two legal matters, in violation of MRPC 1.1(c); failed to act with reasonable diligence and promptness on behalf of two clients, in violation of MRPC 1.3; failed to keep two clients reasonably informed about the status of their cases 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 his clients to make informed decisions regarding their representation, in violation of MRPC 1.4(b); failed to make reasonable efforts to expedite litigation consistent with the interests of his two clients, in violation of MRPC 3.2; failed to

AGC Practice Pointers Reporting Requirements for Attorney Conviction

Lawyers convicted of a crime face two distinct reporting requirements. MCR 9.120(A) requires that the lawyer, the lawyer's defense counsel, and the prosecutor all report the conviction to the Attorney Grievance Commission and the Attorney Discipline Board. Each of these three has an independent duty to report. For convenience, all three may sign the same notice of conviction. The notice of conviction should include the lawyer's name, nature of the conviction, case number, and court of filing.

Convictions, including both misdemeanors and felonies, must be reported in writing to each disciplinary agency within 14 days of the conviction. MCR 9.120(B) provides that a conviction occurs "upon the return of a verdict of guilty or upon the acceptance of a plea of guilty or nolo contendere." It is important to recognize that the notification requirement is triggered upon a conviction, not after sentencing. Consequently, matters considered under deferred sentencing should still be reported. Civil infractions do not have to be reported. If a lawyer is convicted in another state of a misdemeanor which would constitute a civil infraction in Michigan, that misdemeanor must still be reported.

When a lawyer is convicted of a felony, the Attorney Discipline Board issues a notice of automatic suspension under MCR 9.120(B). The lawyer will remain suspended from the practice of law pending further disciplinary proceedings. A misdemeanor conviction does not result in an automatic suspension. The grievance administrator has discretion to decide whether to pursue formal disciplinary proceedings in misdemeanor conviction cases. Minor misdemeanor offenses may result in a nonpublic disposition such as contractual probation, admonition, closing, or dismissal. Dismissals involving misdemeanors occur in matters that do not call the attorney's fitness into question, e.g., hunting violations. The nature of the conviction and other factors will determine the ultimate disposition of the matter.

When an attorney has been convicted for a substance-related offense, he or she is typically required to provide a substance abuse assessment to aid in arriving at a just disposition of the matter. Attorneys who have a substance dependency will be provided an opportunity to be placed on contractual probation, which is a diversionary program typically supervised by the Lawyers and Judges Assistance Program for a two- or three-year period. The assistance program will enter into a separate contract with the monitored attorney designed to address the attorney's individualized needs.

The second reporting requirement is contained in the annual bar dues statement. False declarations in response to the mandatory questions on the annual dues statement may be considered misconduct. Discipline has been entered against lawyers for such false statements, especially when they are intentionally false.

Lawyers should be mindful of their notification duties regarding criminal convictions. While conviction of a crime may lead to discipline being imposed, the failure to notify or to be candid in notification can lead to even greater discipline.

Practice Pointers is a continuing series of periodic reminders from the Attorney Grievance Commission for avoiding discipline. These constructive suggestions are intended to provide a useful counterpoint to the orders of discipline and disability.

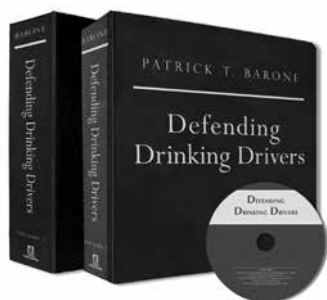
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respond to a lawful demand for information from a disciplinary authority in two matters, in violation of MRPC 8.1(a)(2); failed to answer a request for investigation or complaint in conformity with MCR 9.113 and MCR 9.115(D), in violation of MCR 9.104(7); and 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). The panel also found that the respondent violated MRPC 8.4(a) and (c) and MCR 9.104(1)-(4).

The panel ordered that the respondent's license to practice law in Michigan be suspended for 180 days and that he pay restitution in the aggregate amount of \$3,250. The panel also imposed a condition relevant to the established misconduct. Total costs were assessed in the amount of \$2,248.63.

Automatic Suspension for Nonpayment of Costs

Linda L. Kowalczyk, P45878, Troy, effective April 16, 2015.

In *Grievance Administrator v Linda L. Kowalczyk*, Case No. 15-7-GA, the respondent was suspended for 179 days. The parties stipulated that the suspension would take effect on May 1, 2015. Additionally, the respondent was ordered to pay costs by April 4, 2015. The respondent has failed to pay the costs as ordered.

In accordance with MCR 9.128(D), the respondent's license to practice law in Michigan was automatically suspended on April 16, 2015, 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 MCR 9.123(A).

Final Suspension

John C. Lange, P39302, Southfield, by the Attorney Discipline Board, affirming Tri-County Hearing Panel #68's order of suspension but vacating condition, for 30 days, effective October 21, 2014.¹

The respondent appeared at the hearing and, based on the certified copy of a judgment of conviction, the panel found that the respondent was convicted, by guilty plea, of violating MCL 750.539(J)(2)(b), a one-year

misdemeanor, in the Wayne County Circuit Court. The respondent's conduct was found to have violated a criminal law of a state or of the United States, contrary to MCR 9.104(5).

The panel ordered that the respondent's license to practice law in Michigan be suspended for 30 days and that he be subject to

conditions relevant to the established misconduct upon his active reinstatement to the practice of law. The grievance administrator filed a petition for review, seeking an increase in discipline. The respondent did not file a motion for stay of discipline.

Upon review, the Attorney Discipline Board affirmed the hearing panel's order of suspension but vacated the conditions. Total costs were assessed in the amount of \$2,319.45.

1. The respondent was automatically reinstated to the practice of law in Michigan on November 24, 2014. Please see notice of automatic reinstatement, issued December 1, 2014.

County Hearing Panel #15, effective April 15, 2015.¹

After being properly served with the formal complaint and the notice of hearing, the respondent failed to personally appear at the April 8, 2015 hearing. After satisfactory proofs were entered that the respondent possessed actual notice of the proceedings, the hearing panel, in accordance with MCR 9.115(H)(1), determined that the respondent's failure to appear warranted an interim suspension from the practice of law until further order of the panel.

On April 8, 2015, the panel issued an order of suspension pursuant to MCR 9.115(H)(1), effective April 15, 2015, and until further order of the panel or the Board.

1. The respondent has been continuously suspended from the practice of law in Michigan since April 28, 2014. Please see notice of interim suspension pursuant to MCR 9.115(H)(1), issued April 28, 2014.

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Matthew C. Shepard, P71547, White Lake, by the Attorney Discipline Board, Tri-

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