

Disbarment

Marvin Barnett, P34033, Detroit, by the Attorney Discipline Board, Tri-County Hearing Panel #16, effective January 3, 2019.¹

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 violated a prior order of discipline; failed to answer 10 requests for investigation; failed to notify two separate clients of his suspension from the practice of law; and practiced law and held himself out as an attorney after the effective date of his suspension.

The panel found that the respondent collected illegal fees during his suspension, in violation of MRPC 1.5(a); failed to answer requests for investigation, in violation of MCR 9.104(7), MCR 9.113(A), and MCR 9.113(B)(2); violated his order of discipline, contrary to MCR 9.104(9); failed to notify his clients of his suspension from the practice of law, in violation of MCR 9.119(A); failed to file proof of compliance with the orders of discipline, in violation of MCR 9.119(C); accepted new retainers or engagements as an attorney for another in new cases or legal matters after entry of the order of discipline prior to its effective date without any author-

ization of the board chairperson, in violation of MCR 9.119(D); and practiced law and held himself out as an attorney after the effective date of his suspension, in violation of MCR 9.119(E). The respondent was also found to have violated MCR 9.104(1)–(4); and MRPC 8.4(a)–(c).

The panel ordered that the respondent be disbarred from the practice of law in Michigan. Costs were assessed in the amount of \$7,795.48.

1. The respondent has been continuously suspended from the practice of law since October 3, 2015. See Notice of Suspension and Restitution, issued October 8, 2015, *Grievance Administrator v Marvin Barnett*, Case Nos. 14-8-GA; 14-26-GA; and 14-53-GA.

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Disbarment and Restitution

Kenneth S. Karasick, P26238, Flint, by the Attorney Discipline Board, Genesee County Hearing Panel #2, effective December 5, 2018.¹

Based on the respondent's default and the evidence presented at the hearing, the hearing panel found that the respondent committed professional misconduct in his representation of two separate clients in criminal matters and in a separate property dispute matter.

The panel found that the respondent neglected a legal matter entrusted to the lawyer, 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; knowingly disobeyed an obligation under the rules of a tribunal, in violation of MRPC 3.4(c); practiced law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, in violation of MRPC 5.5(a); practiced law after the period of his suspension, in violation of MCR 9.119(E)(1); had contact, in person, by telephone, and by electronic means, with clients after the period of his suspension, in violation of MCR 9.119(E)(2); and held himself out as an attorney after the period of his suspension, in violation of MCR 9.119(E)(4). The respondent was also found to have violated MCR 9.104(1)–(3), and (9); and MRPC 8.4(a)–(c).

The panel ordered that the respondent be disbarred from the practice of law in Michigan and pay restitution in the amount

of \$1,750. Costs were assessed in the amount of \$2,034.70.

1. The respondent has been continuously suspended from the practice of law in Michigan since September 1, 2017. Please see Order of Suspension and Restitution With Conditions [By Consent] issued in *Grievance Administrator v Kenneth S. Karasick*, Case No. 16-146-GA, issued July 27, 2017.

Disbarment (By Consent)

Andrew R. Grifka, P42348, Plymouth, by the Attorney Discipline Board, Tri-County Hearing Panel #5, effective December 27, 2018.

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 factual allegations set forth in the formal complaint and plea of no contest to the allegations of professional misconduct contained in the complaint, which alleged that the respondent committed professional misconduct when he was found to have embezzled or misappropriated funds from numerous fiduciary accounts while serving as conservator in six different probate estates.

Based on the respondent's admissions, plea of no contest, and the stipulation of the parties, the panel found that the respondent failed to pay or deliver funds or property that a client or third person was entitled to receive, in violation of MRPC 1.15(b)(3); and failed to hold funds or property of a client or third persons separate from the lawyer's own property and failed to adequately safeguard such funds or property, in violation of MRPC 1.15(d). The respondent was also found to have violated MCR 9.104(1)–(3); and MRPC 8.4(b).

In accordance with the stipulation of the parties, the hearing panel ordered that the respondent be disbarred from the practice of law in Michigan. Costs were assessed in the amount of \$757.83.

Discipline Imposing Condition

Darryl W. Eason, P54991, Ann Arbor, by the Attorney Discipline Board, effective March 15, 2018.

After proceedings in accordance with MCR 9.115, the hearing panel found that the respondent's failure to reconcile his client ledgers and bank statements on a regular basis resulted in overdrafts of his IOLTA account and that he failed to maintain accurate accounts for his clients. Therefore, the panel found that the respondent failed to maintain and preserve a complete record of IOLTA funds, in violation of MRPC 1.15(b)(2); and failed to promptly pay or deliver funds that clients or third persons were entitled to receive, in violation of MRPC 1.15(b)(3).

The panel entered an order of discipline imposing a condition that the respondent attend the State Bar of Michigan's seminar entitled "Lawyer Trust Accounts: Management Principles and Recordkeeping Resources." The grievance administrator filed a petition for review on March 9, 2018, and after proceedings in accordance with MCR 9.118, the Attorney Discipline Board issued an order affirming the hearing panel's February 21, 2018 Order of Discipline Imposing Condition. Total costs were assessed in the amount of \$2,198.46.

Dismissal

Richard Eriksen, P13217, Waterford, by the Attorney Discipline Board, Tri-County Hearing Panel #66, effective December 20, 2018.

The essential allegation in the formal complaint was that the respondent had ex parte written and oral communication with an individual who was represented by other counsel at the time the communications occurred. The un rebutted testimony as well as the exhibits presented at the hearing indicated that the respondent's contacts with the individual were in the context of his role as "trustee" of the estate, rather than as an "individual," and the panel found that the respondent did not know the individual was represented when he communicated with him via letter on June 9, 2016.

There was an additional allegation that, during a telephone conversation between the respondent and opposing counsel, the respondent spoke in an inappropriate manner. The panel found that the conversation occurred in the context of an emotionally charged dialogue between attorneys, and

the language used by the respondent did not constitute language that would be considered to be an ethical violation.

The panel found that the grievance administrator failed to establish, by a preponderance of the evidence, a violation of the Michigan Rules of Professional Conduct alleged in the formal complaint (MRPC 4.2 and

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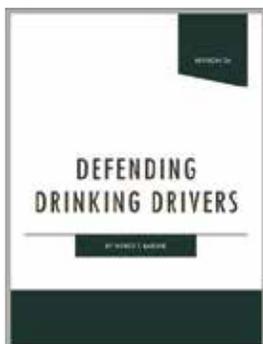
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6.5(a); and MCR 9.104(1), (2) and (3)). No costs were assessed against the respondent.

Reinstatements

Stuart Lee Sherman, P44301, Bloomfield Hills, by the Attorney Discipline Board, effective December 19, 2018.

The petitioner was suspended from the practice of law in Michigan for one year, effective July 28, 2017. His petition for reinstatement, filed in accordance with MCR 9.123(B) and MCR 9.124, was granted by Tri-County Hearing Panel #25. The panel concluded that the petitioner satisfactorily established his eligibility for reinstatement in accordance with the guidelines of those court rules. On December 14, 2018, the panel issued its Order of Eligibility for Reinstatement. On December 18, 2018, the Board received the required written documentation that the petitioner had paid his dues with the State Bar of Michigan.

The Board issued an order reinstating the petitioner to the practice of law in Michigan, effective December 19, 2018.

Courtney Wylie, P75748, Chicago, Illinois, by the Attorney Discipline Board, effective January 2, 2019.

The petitioner was suspended from the practice of law in Michigan for eight months, effective June 24, 2017. Her petition for reinstatement, filed in accordance with MCR 9.123(B) and MCR 9.124, was granted by Kalamazoo County Hearing Panel #4. The panel concluded that the petitioner satisfactorily established her eligibility for reinstatement in accordance with the guidelines of those court rules. On December 12, 2018, the panel issued its Order of Eligibility for Reinstatement. On December 28, 2018, the Board received the required written documentation that the petitioner had paid her dues with the State Bar of Michigan.

The Board issued an order reinstating the petitioner to the practice of law in Michigan, effective January 2, 2019.

Automatic Reinstatement

Arlene F. Woods, P40039, Southfield, reinstated pursuant to MCR 9.123(A): June 11, 2018.

The respondent was suspended from the practice of law in Michigan for 30 days, effective May 4, 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, Attorney Discipline Board, and Attorney Grievance Commission, attesting to her full compliance with the terms and conditions of the Order of Suspension With Condition (By Consent) issued in this matter.

Automatic Reinstatement for Payment of Costs

Richard Shant Norsigian, P77410, Royal Oak, reinstated pursuant to MCR 9.123(A): December 11, 2018.

In accordance with MCR 9.128(D), the respondent's license to practice law in Michigan was automatically suspended on November 21, 2018, for failure to pay costs as ordered in *Grievance Administrator v Richard Shant Norsigian*, Case No. 17-118-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 December 11, 2018.

Reprimand (By Consent)

Robert A. Mertz, P51479, Saginaw, by the Attorney Discipline Board, Tri-Valley Hearing Panel #3, effective December 22, 2018.

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. Based on the respondent's admissions and the stipulation of the parties, the panel found that the respondent committed acts of professional misconduct when he held himself out as an attorney while his license was suspended, in violation of MCR 9.119(E)(4); and violated the rules of professional conduct, contrary to MRPC 8.4(a).

In accordance with the stipulation of the parties, the panel ordered that the respondent be reprimanded. Costs were assessed in the amount of \$757.62.

Suspension and Restitution (By Consent)

James Dimitriou II, P41780, Grand Rapids, by the Attorney Discipline Board, Kent County Hearing Panel #3, for 180 days, effective December 22, 2018.

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 in his representation

of a client trying to obtain permanent residence status for his wife.

Based on the respondent's admissions and the stipulation of the parties, the panel found that the respondent failed to provide competent representation to a client, in violation of MRPC 1.1; handled a legal matter without preparation adequate in the circumstances, in violation of MRPC 1.1(b); 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 the client to make informed decisions regarding the representation, in violation of MRPC 1.4(b); and, upon termination of the representation of the client, failed to refund monies paid to the respondent as attorney fees which were not properly earned because

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the course of conduct taken by the respondent was not warranted by the facts and circumstances, and he failed to refund costs paid but which were not required by the facts and circumstances and thus not properly incurred, in violation of MRPC 1.16(d). 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 panel ordered that the respondent's license to practice law in Michigan be suspended for 180 days. In addition, the parties stipulated, and the panel agreed, that the respondent pay restitution in the amount of \$3,020. Costs were assessed in the amount of \$773.28.

Automatic Interim Suspension

Joseph H. McKoan IV, P55642, Rochester, effective February 8, 2018.

On February 8, 2018, the respondent was convicted of Operating While Intoxicated—3rd Offense, a felony, in violation of MCL 257.6256D, in the matter titled *People v Joseph Henry McKoan*, Oakland County Circuit Court, Case No. 17-264285-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.

Vacating Automatic Interim Suspension

Nijad Georges Mehanna, P59371, Saint Clair Shores, effective December 12, 2018.

On May 4, 2018, the Attorney Discipline Board entered a Notice of Automatic Interim Suspension under MCR 9.120(B)(1) based on the respondent's May 2, 2018 conviction of one count of assault/resist/obstructing of a police officer, in violation of MCL 750.81D(1), a felony, and of one count of assault, in violation of MCL 750.81, a misdemeanor, in the matter of *People of the State of Michigan v Nijad Georges Mehanna*, Macomb County Circuit Court Case No. 2016-003329-FH.

In accordance with MCR 9.120(B)(1), the Attorney Discipline Board must set aside an attorney's automatic suspension upon conviction of a felony if that conviction is subsequently vacated, reversed, or otherwise set aside by an appellate court. The respondent filed a Motion to Set Aside Automatic Suspension of Law License Pursuant to MCR 9.120(B)(1), based on the December 12, 2018 Order entered in the above-referenced Macomb County Circuit Court case reversing the respondent's felony conviction for assault/resist/obstructing of a police officer, in violation of MCL 750.81D(1) and granting the motion for a new trial. The Court denied the respondent's motion as to the misdemeanor conviction for assault, in violation of MCL 750.81.

In accordance with the court rule, proceedings against the respondent under MCR

9.120(B) are dismissed and the automatic interim suspension, effective May 2, 2018, is vacated.

Suspension (By Consent)

Kenneth Jannette, P77479, Grosse Pointe Farms, by the Attorney Discipline Board, Tri-County Hearing Panel #12, for 180 days, effective December 5, 2018.

The respondent and the grievance administrator filed an Amended 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 that he failed to comply with the panel's prior September 12, 2017 Order of Probation With Conditions and plea of no contest to the charges set forth in the grievance administrator's February 23, 2018 Motion for an Order to Show Cause. Based on the respondent's admissions, no contest plea, and the amended stipulation of the parties, the panel found that the respondent engaged in conduct in violation of an order of discipline, contrary to MCR 9.104(9).

In accordance with the stipulation filed by the parties, the hearing panel ordered that the respondent's license to practice law in Michigan be suspended for 180 days. Costs were assessed in the amount of \$890.66.

Automatic Suspension for Nonpayment of Costs

Robert Kurtycz, P71637, Kalamazoo, effective December 4, 2018.

The respondent was reprimanded and ordered to pay costs in *Grievance Administrator v Robert Kurtycz*, Case No. 18-87-GA by November 21, 2018. The respondent failed to pay the costs as ordered, and in accordance with MCR 9.128(C), a certification of nonpayment of costs was issued on November 26, 2018.

In accordance with MCR 9.128(D), the respondent's license to practice law in Michigan was automatically suspended on December 4, 2018, 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).

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

Todd R. Branch, P61823, Grosse Pointe Farms, by the Attorney Discipline Board, Tri-County Hearing Panel #3, effective December 14, 2018.

The respondent failed to appear at the November 19, 2018 hearing. On December 7, 2018, the hearing panel, in accordance with MCR 9.115(H)(1), issued an order of suspension effective December 14, 2018, and until further order of the panel or the Board.

Interim Suspension Pursuant to MCR 9.115(H)(2)

Mark Pritzlaff, P69287, East Lansing, by the Attorney Discipline Board, Ingham County Hearing Panel #5, effective December 11, 2018.

The respondent appeared at the December 10, 2018 hearing, but was unable to participate in the hearing because of an apparent medical emergency. The grievance administrator moved for entry of an order of suspension pursuant to MCR 9.115(H)(2). The panel considered the grievance administrator's request, as well as the respondent's current and continuing medical issues, and determined that, for protection of the public, issuance of such an order is warranted in this matter.

The hearing panel ordered that the respondent's license to practice law in Michigan be suspended pursuant to MCR 9.115(H)(2), effective December 11, 2018, and until further order of the hearing panel or the Attorney Discipline Board.

Suspension With Conditions (By Consent)

Donald J. Neville, P60213, Howell, by the Attorney Discipline Board, Livingston County Hearing Panel #1, for 30 days, effective January 30, 2019.

The respondent and the grievance administrator filed a Stipulation for Consent Order of Suspension with Conditions and Stipulation to Amend Stipulation for Consent Discipline to Change the Effective Date of the 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 of domestic violence, 2nd offense, in violation of MCL 750.813, a misdemeanor, in *People of the State of Michigan v Donald Joseph Neville*, 53rd District Court Case No. 17-3879-SM.

Based on the respondent's conviction, admissions, and the stipulation of the parties, it has been established that the re-

spondent 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).

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 30 days. Additionally, the panel ordered that the respondent be subject to conditions relevant to the established misconduct. Costs were assessed in the amount of \$763.92.

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