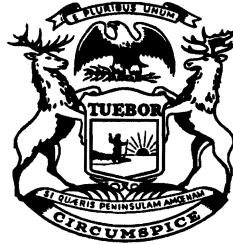


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NOTICE OF SUSPENSION WITH CONDITIONS
(By Consent)

Case No. 17-85-GA

Notice Issued: October 5, 2017

Mark Hermiz, P 76378, Troy, Michigan, by the Attorney Discipline Board Tri-County Hearing Panel #62.

Suspension - 179 Days, Effective October 11, 2017

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 respondent's admission that he committed acts of professional misconduct in his representation of Relief Physical Therapy and Rehab to obtain payment of insurance claims for medical services provided by the company to accident injury victims. The complaint alleged that respondent failed to enter into a signed, written contingent fee agreement with Relief Physical Therapy and Rehab; did not maintain adequate communications with the client concerning the settlement amounts; failed to adequately advise the client of the receipt of settlement checks; failed to provide a written disbursement sheet setting forth the disbursement of funds following settlement; and failed to maintain adequate bookkeeping records concerning his IOLTA account and the amounts he was due from each individual settlement.

Based upon respondent's admissions and the stipulation of the parties, the panel found that respondent failed to obtain specific settlement authority from his client in each matter, in violation of MRPC 1.2(a); failed to explain each settlement to his client through its authorized representative, in violation of MRPC 1.4(b); failed to keep a client reasonably informed about the status of a matter, in violation of MRPC 1.4(a); failed to enter into a written contingent fee agreement, in violation of MRPC 1.5(c); failed to issue a disbursement sheet for each settlement, in violation of MRPC 1.5(c); failed to notify his client promptly when settlement checks were received, in violation of MRPC 1.15(b)(1); failed to hold client funds separate from his own funds, in violation of MRPC 1.15(d); engaged in conduct that was in violation of the Rules of Professional Conduct, in violation of MRPC 8.4(a) and MCR 9.104(4); 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).

In accordance with the stipulation of the parties, the hearing panel ordered that respondent's license to practice law in Michigan be suspended for 179 days. Additionally, the panel ordered that respondent be subject to conditions relevant to the established misconduct. Costs were assessed in the amount of \$763.96.


Wendy A. Neeley
Deputy Director