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NOTICE OF SUSPENSION AND RESTITUTION

Case No. 17-7-GA

Notice Issued: February 2, 2018

David M. Kipley, P 27376, Kalkaska, Michigan, by the Attorney Discipline Board Grand Traverse County Hearing Panel #1.

Suspension - Four Years, Effective February 2, 2018

Respondent filed an answer to the formal complaint and appeared at the hearings. Based on the evidence presented by the parties at the hearings held in this matter, the hearing panel found that respondent committed professional misconduct in his capacity as a conservator and personal representative; that he failed to appear or respond when subpoenaed; and that he failed to produce records requested by the Attorney Grievance Commission.

The panel found that respondent collected a clearly excessive fee, in violation of MRPC 1.5(a); represented a client when the representation was materially limited by his own interests, in violation of MRPC 1.7(b); prepared a will which bequeathed himself a substantial gift from his client, in violation of MRPC 1.8(c); knowingly disobeyed an obligation of the rules of a tribunal, in violation of MRPC 3.4(c); breached his fiduciary duties under the Estate and Protective Individuals Code, in violation of MCL 700.7803 (breach of fiduciary duties); MCL 700.1502 (prudent investor rule); MCL 700.1506 (invest and manage fiduciary assets solely in interest of beneficiaries); MCL 700.5416 (applying fiduciary duty and standard of care applicable to trustee or conservator); MCL 700.5421 (conflict of interest of conservator); and knowingly failed to respond to a lawful demand for information, in violation of MRPC 8.1(a)(2). Respondent was also found to have violated MCR 9.104(1)-(3); and MRPC 8.4(a) and (c).

The panel ordered that respondent's license to practice law be suspended for a period of four years and that he be required to pay restitution to the Estate of Catherine Louise Patterson in the amount of \$95,980.90. Costs were assessed in the amount of \$3,084.59.

Mark A. Armitage
Executive Director