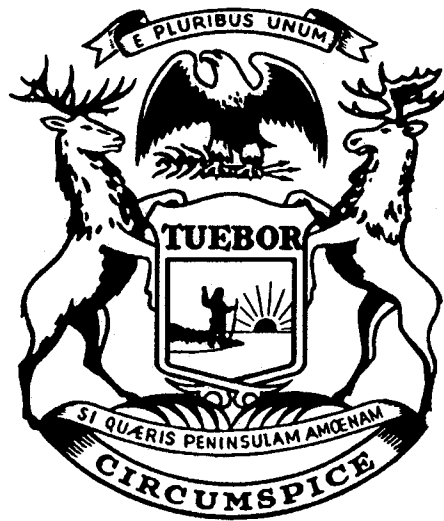


STATE OF MICHIGAN
Attorney Discipline Board and
Attorney Grievance Commission

2009
JOINT ANNUAL REPORT



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State of Michigan
Attorney Grievance Commission
Annual Report

January 1, 2009 to December 31, 2009

Robert L. Agacinski
Grievance Administrator

Robert E. Edick
Deputy Grievance Administrator

243 W. Congress, Ste. 256
Detroit, MI 48226-3259

Attorney Grievance Commission Members
January 1, 2009 – December 31, 2009

Kent J. Vana, Chairperson
Grand Rapids, MI

Martha D. Moore, Vice Chairperson
Rochester, MI

Jan A. Brandon, Secretary*
Ann Arbor, MI

Michael Murray, Member
Lansing, MI

Karen M. Dunne Woodside, Member
Livonia, MI

David L. Porteous, Member
Reed City, MI

Pastor Deborah L. Butler, Member*
Southfield, MI

Mary M. Fowlie, Member
Birmingham, MI

Rozanne F. Sedler, Member*
Oak Park, MI

*denotes non-lawyer member

Attorney Grievance Commission

Robert L. Agacinski, Grievance Administrator
Robert E. Edick, Deputy Grievance Administrator
Cynthia C. Bullington, Assistant Deputy Administrator
Nancy V. Miller, Office Manager

Associate Counsel:

Wendy A. Neeley
Ruthann Stevens
Stephen P. Vella
Patrick K. McGlinn
Frances A. Rosinski
Emily A. Downey
Kimberly L. Uhuru
Nancy R. Alberts
Dina P. Dajani
Rhonda Spencer Pozehl
Todd A. McConaghy
John K. Burgess

Investigators:

Nancy MacKenzie
Roger Schutter
Thomas Turkaly

Paralegal:

Marissa Laroque

Investigative Assistants:

Corinne Adcock
Jason Harris

Secretaries:

Jane Brown
Yulanda Burgess
Sabrina Cornell
Misty Primeau
Demetra Shaw
Barbara Todd
Charlene Varacalli

Clerks:

Rosa Fernandez
Monica Garza
C. Martin Rose

Receptionist:

Lula Hambrick

State of Michigan
Attorney Grievance Commission
Annual Report
January 1, 2009 – December 31, 2009

Overview

The Attorney Grievance Commission was established by the Michigan Supreme Court on October 1, 1978, succeeding the former State Bar Grievance Board. The Commission acts as the prosecution arm of the Supreme Court for the discharge of its constitutional responsibility to supervise and discipline Michigan attorneys. The Commission exercises state-wide jurisdiction and is located in Detroit.

Commission Composition

The Commission consists of nine members, all appointed by the Supreme Court, who serve on a voluntary basis. There are six attorneys and three laypeople. Effective October 1, 2009, Kent J. Vana, Esq. and Martha D. Moore, Esq. were the Chairperson and Vice Chairperson of the Commission, respectively. Other members included Jan A. Brandon, Esq. (Secretary), Michael Murray, Esq., Karen M. Dunne Woodside, Esq., Pastor Deborah Butler, David L. Porteous, Esq., Mary M. Fowlie, Esq., and Rozanne Sedler.

The Grievance Administrator's Staff

The Grievance Administrator and Deputy Administrator are appointed by the Supreme Court pursuant to MCR 9.111. The Grievance Administrator is empowered by MCR 9.111 to hire legal and support staff. Grievance Administrator Robert L. Agacinski and Deputy Administrator Robert E. Edick have thirteen attorneys under their supervision and a complement of seventeen support staff. Additionally, the Commission accepts law students for the legal intern program in connection with their law school.

The legal staff at the Commission is well-experienced in disciplinary matters. Counting the Grievance Administrator and Deputy Administrator, eight of the fifteen attorneys have been on staff at least ten years, and thirteen of the fifteen attorneys have been on staff at least five years. The staff attorneys also bring a wide variety of experience to their work on disciplinary matters. The Grievance Administrator similarly enjoys an experienced support staff providing a wide range of administrative, secretarial, technical, and investigative assistance.

Commission Procedure

The attorney discipline process is governed by Subchapter 9.100 of the Michigan Court Rules. The disciplinary process is normally initiated when a Request for Investigation is filed with the Administrator against an attorney, or when the Administrator commences an investigation in his/her name.

Upon the filing of a Request for Investigation, the Grievance Administrator must determine whether there exists a *prima facie* allegation of professional misconduct. The Request for Investigation may be rejected by the Grievance Administrator on its face or after preliminary investigation and/or analysis by the Intake Unit, or it may be assigned to a staff counsel for a full investigation. Common investigative procedures include legal research and analysis, witness interviews, and/or procurement of court records or banking records. When the investigation is concluded, the Grievance Administrator submits the investigative file to the Commission for their review and disposition.

On each investigative file, the Grievance Administrator, through his/her staff attorneys, recommends to the Commission that: (1) the matter be closed as there is insufficient evidence of professional misconduct to sustain the burden of proof at a disciplinary proceeding; (2) the respondent attorney be placed on contractual probation pursuant to MCR 9.114 and MCR 9115; (3) the respondent attorney be admonished, with his or her acceptance and consent; or (4) authority be granted to file a formal complaint against the respondent attorney for allegations of professional misconduct.

Investigations

During 2009, the Commission docketed 2,861 Requests for Investigation, or grievances. Table 1 below details the number of grievances docketed for the years 1999-2009, with a breakdown of the disposition of files by the Commission for the same time frame. The dispositions include grievances dismissed by the Grievance Administrator pursuant to MCR 9.112(C)(1)(a) and MCR 9.114(A)(1); grievances closed by the Commission; admonitions issued by the Commission; contractual probations approved by the Commission; and individual grievances approved by the Commission for the filing of a formal complaint.

Table 1 – Disposition of grievances, 2000-2009

Year	grievances received	grievances disposed	rejected by the GA or closed in Intake	closed by the AGC	admonishments	contractual probation	grievances approved for formal complaint
2009	2,861	2,556	1,939	313	137	38	129
2008	2,907	2,802	2,141	347	102	45	167
2007	3,293	2,905	2,219	355	128	52	151
2006	3,575	3,280	2,654	275	118	30	203
2005	3,541	3,265	2,667	461	129	36	172
2004	3,475	3,315	2,382	533	178	15	207
2003	3,583	3,629	2,696	540	143	9	241
2002	3,557	3,551	2,477	739	132	3	200
2001	3,575	3,294	1,569	1,166	125	n/a	171
2000	3,373	3,195	1,132	1,333	185	n/a	227

The dispositions of grievances for a particular year are not necessarily dispositions of the grievances filed for that year. The dispositions for 2009 may include grievances from previous years, and some of the 2009 grievances will be pending on January 1, 2010.

The number of individual grievances approved by the Commission for the filing of a formal complaint will not correlate directly to the number of new formal complaints filed with the Attorney Discipline Board. Multiple grievances against a single Respondent, all of which have been approved for prosecution, may be, and often are, consolidated in a single complaint for purposes of efficiency and judicial economy.

Table 2 reflects that the areas of practice most likely to lead to a grievance are criminal law, domestic relations, probate, and personal injury law.

Table 2 – Subject matter most prevalent in grievances, 2009

subject matter	% of total grievances
criminal law	38
domestic relations	14
probate law	8
bankruptcy law	6
commercial litigation	5
personal injury law	5
real estate transactions	4
employment/labor law	3
immigration law	3

Prosecutions and other litigation

When the Commission authorizes that a prosecution be commenced, a formal complaint is filed with the Attorney Discipline Board (ADB) setting forth the alleged misconduct, pursuant to MCR 9.115. The matter is scheduled before a hearing panel of the ADB. Upon the conclusion of the hearing, the Grievance Administrator, the respondent, and the Complainant all possess the right to appeal to the ADB. Further appeals may be taken by leave to the Supreme Court.

The Grievance Administrator alone is empowered by MCR 9.120 to initiate Judgment of Conviction (JOC) proceedings against attorneys who are convicted of a crime. These proceedings are show cause proceedings in which the level of discipline is the principal issue. Attorneys who are convicted of a felony are automatically suspended from the practice of law until a hearing panel of the ADB has issued a final order of discipline. Attorneys who are convicted of misdemeanors are not automatically suspended. The Grievance Administrator will regularly file a JOC proceeding for a felony conviction, while exercising discretion in initiating a JOC proceeding for a misdemeanor conviction.

Attorneys who are disciplined in other jurisdictions (state or federal) will be subject to a reciprocal discipline proceeding initiated by the Grievance Administrator pursuant to

MCR 9.104(B). These proceedings, like JOC proceedings, resemble a show cause proceeding in which the principal issues are whether the attorney received due process in the underlying litigation and whether a reciprocal discipline should be imposed.

Michigan judges who have discipline recommended against them by the Judicial Tenure Commission (JTC) may be subject to a formal complaint under MCR 9.116. The discretion to file such a complaint rests with the Commission.

The Grievance Administrator also is a party in ADB reinstatement proceedings initiated by attorneys who have been suspended for more than 180 days. The burden of proof is on the attorney to establish his or her fitness by clear and convincing evidence. These proceedings are often contested.

The above-recited proceedings, which are similarly reported in the ADB's annual report, are only part of the full picture.

The Grievance Administrator may be involved in federal district court reinstatement proceedings. The District Court for the Eastern District of Michigan automatically suspends any lawyer who receives a suspension or revocation and who is also a member of its bar. That attorney must petition for reinstatement, regardless of the length of suspension. The court routinely appoints the Commission as an interested party to provide information and assistance.

The Grievance Commission is a party in superintending control¹ filings with the Michigan Supreme Court by complainants who take issue with the Administrator's or the Commission's decision on an investigative file. For 2009, 16 such complaints were filed with the Court. The Grievance Administrator also has a long-standing policy of accepting requests for reconsideration of files closed by the Intake Unit or the Commission. This process acts as a quality control measure while also providing further accountability to complainants. Upon the receipt of a request for reconsideration, a senior attorney will review the file and the request to determine whether an issue or a relevant fact was overlooked by the Intake Unit or the Commission, or whether new information is provided that could change the analysis or outcome of the matter. If such information is provided, then the file may be reopened for further investigation and analysis. For the year 2009, approximately 500 such requests were received.

¹ MCR 7.304(A) provides that a petition for superintending control may be filed to implement the Court's superintending control over the Board of Law Examiners, the Attorney Discipline Board, or the Attorney Grievance Commission.

Respondent-attorneys who fail to comply with their orders of discipline may be subject to a show cause proceeding filed by the Grievance Administrator in circuit court, pursuant to MCR 9.115(1)(2). Often these proceedings have been necessitated by respondent-attorneys who fail to pay the restitution and costs that were contained in the order of discipline.

Receiverships, under MCR 9.119(G), to protect clients of deceased, incapacitated, and absconded attorneys have increased over the last few years. The Grievance Administrator may file with a circuit court a petition for a receivership. When there is no potential conflict, the Grievance Administrator acts as receiver for the files of the subject attorney. A very work-intensive process follows in which the files are identified, cataloged, and prioritized between pending and closed. Letters are sent and phone calls are placed to clients advising of the receivership, and advising that the attorney is no longer available and that the file will be provided, at their request. Courts, in which matters are identified as pending, are contacted so that the attorney's non-appearance does not prejudice the client. Mail is received and forwarded to the appropriate file and client. When necessary, bank accounts are taken so that claims may be made for refunds or distributions. For 2009, the Grievance Administrator commenced 2 new receiverships, continued to process and wind down 6 pending receiverships, and provided substantial assistance and guidance in numerous matters so as to avoid the necessity of commencing a receivership.

Funding

The Attorney Grievance Commission is entirely funded by a yearly assessment paid by each Michigan lawyer with their State Bar dues. The yearly assessment is set by the Supreme Court. In the fiscal year ending September 30, 2009, the Commission's actual expenditures were \$3,969,381.

Looking forward

2010 will bring the continued efficiency of the internal goals for efficient, thorough, and prompt investigations. The Grievance Administrator and members of his attorney staff continue to cooperate with the State Bar in presenting the ethics seminars to improve the knowledge and professionalism of the Bar. The Grievance Administrator will continue to speak to the Bar and civic groups to improve the communication and understanding of the attorney discipline process and will continue to participate in various State Bar Committees focusing on the good of the profession.

The Supreme Court continues to review substantial proposed changes to the Michigan Rules of Professional Conduct, as well as revisions to Sub-chapter 9.100 of the Michigan Court Rules. The Commission and the Grievance Administrator are fully participating in the ongoing discussion of those proposed changes.

With an aging lawyer population, the AGC will continue to have an increasing role as receiver of files of deceased or incapacitated attorneys, and providing guidance to others in that role.

On September 15, 2010, the recently-adopted Trust Account Overdraft Notice (TAON) rule (MPRC 1.15A) became effective and the AGC will be responsible for reviewing all overdrafts of client trust accounts and determining whether action needs to be taken.

The AGC also will continue to monitor *pro hac vice* requests, to determine if the out-of-jurisdiction attorney is eligible and has paid the appropriate fee.

Conclusion

The past year reflected the ongoing changes in the attorney discipline process. The mission continues to be to protect the public and improve the quality of the bar. To accomplish this, the work of the Commission, the Grievance Administrator, and the staff goes well beyond the investigation and prosecution of attorneys.

For further information regarding the Attorney Grievance Commission, please contact:

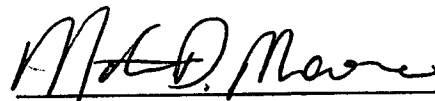
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www.agcmi.com



Robert L. Agacinski
Grievance Administrator



Marsha D. Moore, Esq.
Vice Chairperson, AGC

STATE OF MICHIGAN
Attorney Discipline Board
2009 Annual Report

January 1, 2009 to December 31, 2009

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CONTENTS

Attorney Discipline Board Members	i
Attorney Discipline Board Staff	ii
Organization and Composition	1
Staff	1
Office and Hearing Facility	1
Volunteer Hearing Panelists	2
Hearing Panel Proceedings	2
Board Review	3
New Cases Filed	4
Table 1. New Case Filed, 1999 - 2009	4
Orders of Discipline/Dismissal	5
Table 2. Discipline Orders Issued, 1999 - 2009	5
Discipline By Consent	5
Types of Misconduct Resulting in Discipline	6
Reinstatements	7
Pending Caseload	7
Funding and Expenses	7
Table 3. ADB Expenses 2008-2009 Fiscal Year	8
Summary of Disclosure Requests	8
Website	9

APPENDICES

APPENDIX "A" Annual Activity Report	10
APPENDIX "B" Sanctions Imposed - 2009	11
APPENDIX "C" Disciplined Attorneys by Type of Discipline - 2009	12
APPENDIX "D" Attorney Discipline Board Expenditures Fiscal Year Ended September 30, 2009	16
APPENDIX "E" Attorney Discipline Board Members' Biographical Information	17
APPENDIX "F" 2009 Hearing Panel Roster	20

STATE OF MICHIGAN
ATTORNEY DISCIPLINE BOARD MEMBERS

WILLIAM J. DANHOF, of Lansing, Chairperson
Term Expires: September 30, 2011

THOMAS G. KIENBAUM, of Birmingham, Vice-Chairperson
Term Expires: September 30, 2010

WILLIAM L. MATTHEWS, CPA,[†] of West Bloomfield, Secretary
Term Expires: September 30, 2011

ANDREA L. SOLAK, of Grosse Pointe Park
Term Expires: September 30, 2012

ROSALIND E. GRIFFIN, M.D.,[†] of Farmington Hills
Term Expires: September 30, 2010

CARL E. VER BEEK, of Grand Rapids
Term Expires: September 30, 2011

CRAIG H. LUBBEN, of Kalamazoo
Term Expires: September 30, 2011

JAMES M. CAMERON, JR., of Ann Arbor
Term Expires: September 30, 2012

SYLVIA P. WHITMER, Ph.D,[†] of West Bloomfield
Term Expires: September 30, 2012

[†] Non-Lawyer Member

ATTORNEY DISCIPLINE BOARD STAFF

JOHN F. VAN BOLT
Executive Director

MARK A. ARMITAGE
Deputy Director

SHERRY MIFSUD
Office Administrator

JENNIFER M. PETTY
Legal Assistant/Webmaster

KATHY LEAL-PAREDES
Case Manager

ALLYSON M. PLOURDE
Case Manager

JULIETTE M. LOISELLE
Receptionist/Secretary

STATE OF MICHIGAN
ATTORNEY DISCIPLINE BOARD
ANNUAL REPORT

January 1, 2009 - December 31, 2009

Organization and Composition

The Attorney Discipline Board is the adjudicative arm of the Michigan Supreme Court for the discharge of the Court's exclusive constitutional responsibility to supervise and discipline Michigan attorneys. The Board, along with its prosecutorial counterpart, the Attorney Grievance Commission, is part of the bifurcated system of discipline described in Chapter 9.100 of the Michigan Court Rules.

The Attorney Discipline Board consists of six lawyers and three public members (non-lawyers) appointed by the Supreme Court. A member may not serve more than two three-year terms. All members serve without compensation.

The Board's Chairperson and Vice-Chairperson are appointed to one-year terms by the Supreme Court. The Board's Secretary is elected by its members. The Board's officers for one year terms ending September 30, 2010 are William J. Danhof of Lansing, Chairperson; Thomas G. Kienbaum of Birmingham, Vice-Chairperson; and William L. Matthews of West Bloomfield, Secretary.

Staff

Michigan Court Rule 9.110 authorizes the Attorney Discipline Board to appoint an attorney as its counsel. The Board's full-time staff consists of: John F. Van Bolt, Executive Director and General Counsel; Mark A. Armitage, Deputy Director; Sherry Mifsud, Office Administrator; Jennifer M. Petty, Legal Assistant/Webmaster; Kathy Leal-Paredes, Case Manager; Allyson M. Plourde, Case Manager; and Juliette M. Loiselle, Receptionist/Secretary.

Office and Hearing Facility

The Attorney Discipline Board is located at 211 W. Fort St., Suite 1410, Detroit, Michigan 48226 (corner of Fort St. and Washington Blvd.). The Board's facilities include hearing and conference rooms for public hearings conducted by the Board and hearing panels.

Volunteer Hearing Panelists

The Board maintains a current roster of more than 480 attorneys appointed annually to serve on three-member hearing panels. Hearing panelists are currently located in 45 of Michigan's 83 counties. The 2009 hearing panelist roster is attached as Appendix "F." The Board has continued its efforts to appoint attorneys as panel members who represent a broad range of professional experience. With the cooperation of the Woman Lawyers Association, the Wolverine Bar Association, and other special interest bar associations, the Board has actively encouraged the participation of women and minorities in Michigan's discipline system.

Hearing Panel Proceedings

Complaints submitted by clients, judges or other lawyers regarding an attorney's conduct are investigated by the Grievance Administrator and his or her staff under the supervision of the Attorney Grievance Commission, a separate agency. If formal disciplinary proceedings are authorized by the Commission, the charges of misconduct are set forth in a formal complaint filed by the Administrator.

Upon the filing of a formal complaint with the Attorney Discipline Board, the matter is assigned to a hearing panel and scheduled for hearing within 56 days. Proceedings before a panel are open to the public and are conducted under the Michigan Court Rules applicable to a civil non-jury trial in a circuit court and the Michigan Rules of Evidence. During 2009, hearing panels conducted **133** public hearings throughout the state.

Charges of misconduct must be established by a preponderance of the evidence. If misconduct is not established, the panel must enter an order of dismissal. Upon a finding of misconduct, the panel must conduct a separate phase of the hearing to determine the appropriate discipline. The levels of discipline provided in the court rules are reprimand, probation, license suspension and license revocation (disbarment).

Discipline orders must include an assessment of administrative costs together with the actual costs incurred by the Grievance Commission and Discipline Board, and may include an order of restitution to an aggrieved client. The Board collected total administrative and reimbursed costs of **\$112,507** from disciplined lawyers in fiscal year 2009. Orders of reprimand and suspension may

include additional conditions relevant to the established misconduct, including legal education, reformation of law office practices and personal counseling.

Unless appealed to the Board within 21 days by the respondent, the Grievance Administrator or the complainant, orders of discipline entered by a hearing panel, including orders for disbarment and suspension, constitute final orders and may be enforced in civil contempt proceedings by the Grievance Administrator.

Board Review

In addition to their administrative and oversight responsibilities, the nine appointed members of the Attorney Discipline Board serve as the intermediate appellate level of Michigan's discipline system. The respondent, the Grievance Administrator or the complainant may petition the Attorney Discipline Board for review of an order entered by a hearing panel. The Board's review in such cases is based upon the record presented to the hearing panel and the written and oral arguments presented by the parties at a public hearing before the Board. Following its review, the Board may enter an order affirming, reversing or modifying the panel's order. A party or the complainant may seek further review by the Michigan Supreme Court by filing an application for leave to appeal. The Board regularly considers and disposes of various motions seeking stays of discipline, extensions of time to pay costs, consolidation or severance of pending matters and the institution of show cause proceedings for alleged violations of discipline orders.

The Board met seven times in 2009 to conduct review hearings at the Board's offices in Detroit and at the State Bar of Michigan building and Michigan Hall of Justice in Lansing. The Board conducted public review hearings in 21 cases in 2009. Following its deliberations, the Board took the following actions:

- Affirmed hearing panel order of dismissal:	1
- Affirmed hearing panel order of discipline:	7
- Increased the level of discipline:	2
- Vacated order of discipline and dismissed complaint:	1
- Vacated probation and ordered no discipline:	1
- Remanded to panel for further proceedings:	3
- Affirmed denial of reinstatement:	5
- Affirmed order granting reinstatement:	<u>1</u>

TOTAL: **21**

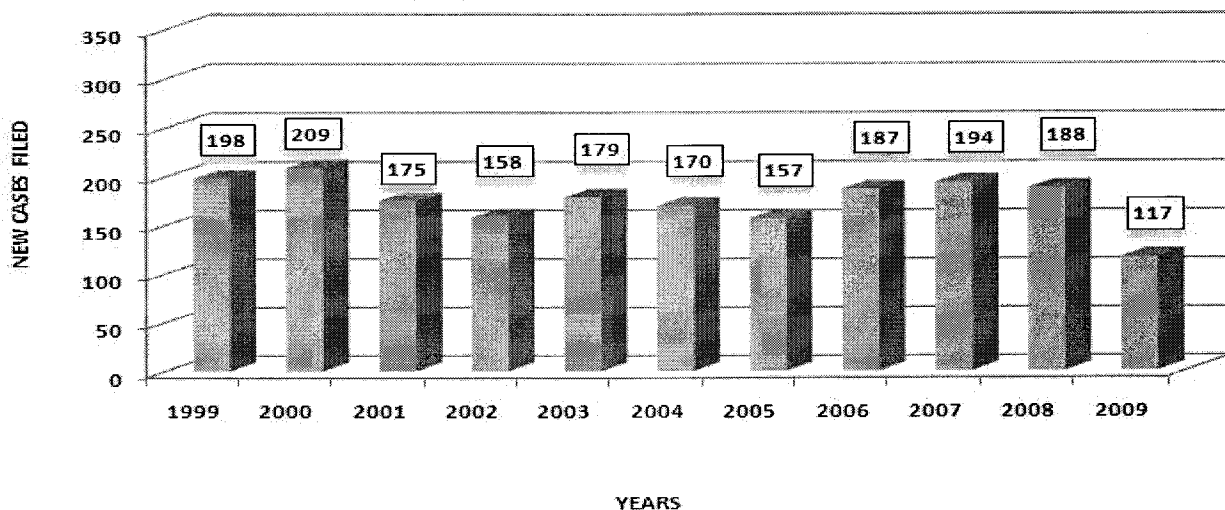
New Cases Filed

There were **71** new formal complaints filed in 2009. Of these, **67** complaints¹ contained original charges of misconduct following an investigation by the Attorney Grievance Commission. (This was a **30%** decrease in the number of original complaints compared to 2008.) An additional **four** formal complaints² were based solely upon the respondent/attorney's failure to answer the initial formal complaint, a separate violation under MCR 9.104(7). Such complaints are generally consolidated for hearing before the panel to which the original complaint has been assigned.

Twenty-two new cases were commenced under MCR 9.120 with the filing of a judgment of conviction establishing that the attorney had been convicted of a crime. **Seven** petitions for reinstatement in accordance with MCR 9.123(B) were filed in 2009 by attorneys suspended for 180 days or more. (Sixteen such petitions were filed in 2008.) In addition, the Grievance Administrator filed **six** petitions for enforcement of an earlier discipline order, **two** petitions seeking an attorney's transfer to inactive status, **one** petition seeking miscellaneous relief and **two** reciprocal discipline actions based upon the imposition of discipline in another jurisdiction.

The **117** new files opened by the Board in 2009 compare to **188** new cases in 2008. The following table (Table 1) illustrates the Board's annual intake of new cases since 1999.

Table 1. New Case Filed, 1999 - 2009



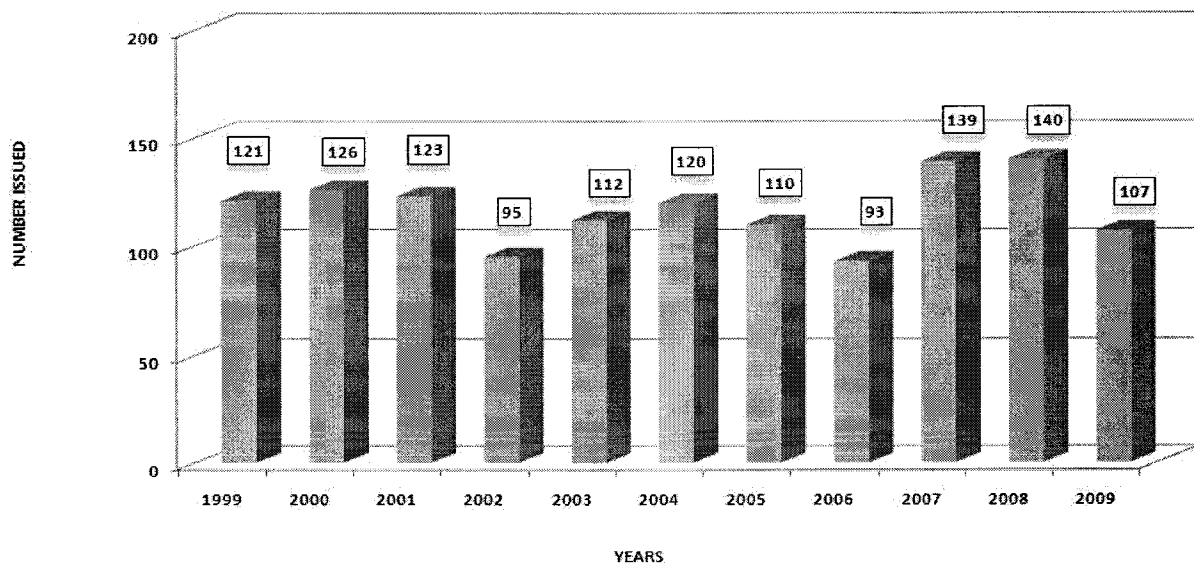
¹ Designated "GA" in Appendix "A."

² Designated "FA" in Appendix "A."

Orders of Discipline/Dismissal

The Attorney Discipline Board issued **143** final disposition orders in 2009, including orders of discipline, orders of dismissal and orders granting or denying reinstatement. Public discipline (revocation, suspension, reprimand or probation) was ordered in **107** cases. A complete list of the orders of discipline issued in 2009 appears in Appendix "C." Orders of discipline issued since 1999 are illustrated in Table 2, below.

Table 2. Discipline Orders Issued, 1999 - 2009



Discipline By Consent

The respondent and the Grievance Administrator may enter into a stipulation for a consent order of discipline. This procedure, described in MCR 9.115(F)(5), allows the respondent to admit the charges in the complaint, or plead no contest, in exchange for a stated form of discipline. Written notice of the stipulation must be provided to the complainant and the stipulation must be approved by both the Attorney Grievance Commission and a hearing panel.

Fifty-one consent orders of discipline were finalized in 2009, accounting for **48%** of all discipline orders finalized.

Consent orders were finalized in the following discipline categories in 2009:

<u>Type of Discipline</u>	<u>Consent Orders</u>	<u>Total Discipline Orders</u>	<u>% By Consent</u>
Revocation	4	24	17%
Suspension (3 yrs. or more)	1	7	14%
Suspension (180 days but less than 3 yrs.)	4	21	19%
Suspension (30 - 179 days)	13	20	65%
Reprimand	27	33	82%
Probation	2	2	100%

Types of Misconduct Resulting in Discipline

As in prior years, conduct characterized by a lack of diligence, lack of competence and/or neglect of client matters was the single largest category of professional misconduct, accounting for **30%** of the discipline orders issued in 2009. These cases ranged from an attorney's failure to provide competent or diligent representation on behalf of a single client to, in a few cases, complete abandonment of the attorney's practice. In some cases in this category, the attorney's neglect or mishandling of client matters was accompanied by additional misconduct including misrepresentations to the client about the status of the matter; a failure to return unearned fees; and/or failure to answer request(s) for investigation.

Twenty-three Michigan lawyers were disciplined in 2009 as the result of a criminal conviction. The **12** felony convictions and **11** misdemeanor convictions accounted for **21%** of the discipline orders issued in 2009. **Seven** lawyers were publicly disciplined in 2009 following a conviction for an alcohol related driving offense.

The next largest category of misconduct, accounting for **13%** of all discipline orders in 2009, involved misuse of client funds, ranging from outright misappropriation of funds in **seven** cases to failure to promptly remit client funds upon demand. Other types of misconduct resulting in discipline in 2009 included failure to comply with the terms of a prior discipline order, conflicts of interest and misrepresentation to a tribunal. A complete summary of the final discipline orders in 2009, showing the nature of the misconduct and the resulting discipline, is included in this report as Appendix "B."

Reinstatements

Attorneys suspended for 179 days or less are automatically reinstated upon the filing of an affidavit of compliance with the Supreme Court. **Twenty-four** attorneys were automatically reinstated under this rule in 2009. In cases of revocation or suspensions of 180 days or more, the attorney must file a petition for reinstatement which is followed by an investigation by the Grievance Administrator and a hearing before a panel to determine the applicant's fitness to re-enter the practice of law. Attorneys suspended for three years or more must also undergo examination and recertification by the State Board of Law Examiners. In Michigan, a disbarred attorney may petition for reinstatement after five years.

Seven reinstatement petitions were filed with the Board and assigned to panels for hearing in 2009. The Board or its panels issued **six** orders reinstating attorneys whose licenses had been suspended. **Nine** reinstatement petitions were denied or dismissed. (Some of the fifteen reinstatement petitions decided in 2009 were filed in 2008.)

Pending Caseload

As of December 31, 2009, there were a total of **101** open discipline or reinstatement cases pending before a hearing panel, the Attorney Discipline Board or the Michigan Supreme Court.

Year-End Caseloads 2008 - 2009

	<u>Pending 12-31-08</u>	<u>Pending 12-31-09</u>
Supreme Court:	4	1
Attorney Discipline Board:	20	17
Hearing Panel:	<u>119</u>	<u>111</u>
Total:	143	101

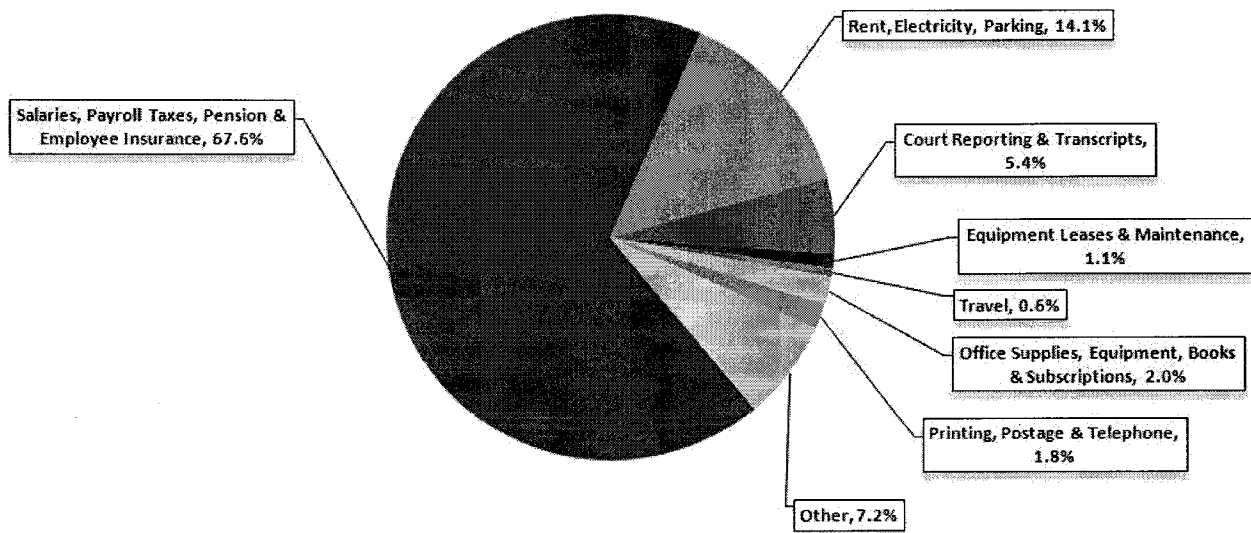
Funding and Expenses

The Attorney Discipline Board receives no public funds. Michigan's Attorney Discipline System (Attorney Discipline Board and Attorney Grievance Commission) is funded entirely from the discipline portion of the dues paid by all active members of the State Bar of Michigan. Under the current dues structure approved by the Supreme Court in 2003, annual dues are \$315, of which \$120 (38%) is specifically allocated to the Attorney Discipline System. For the fiscal year which ended September 30, 2009, the Attorney Discipline System had total operating expenses of **\$5,026,147**. The Attorney Discipline Board's operating expenses in FY 2008 - 2009 were

\$1,056,766. A chart summarizing the Board's expenses for 2008-2009 is included below (Table 3). A complete itemization of the Board's expenses for the fiscal year is attached to this report as Appendix "D."

The Board's expenses of **\$1,056,766** in FY 08-09 were **\$94,686 (8.2%) below** the Board's authorized budget for the year of **\$1,151,452**. Total spending in FY 08-09 was **\$17,439 (1.6%) below** actual spending in FY 07-08.

Table 3. ADB Expenses 2008-2009 Fiscal Year



Summary of Disclosure Requests

Under MCR 9.126(D)(7) and 9.126(E)(4), a person may seek disclosure of otherwise confidential information contained in the files and records of the Discipline Board, the Grievance Commission and the Grievance Administrator by filing a request for disclosure with the Board or the Supreme Court. Rule 9.126(F) requires the Board to include in its annual report an accounting of all requests for disclosure that have been filed with the Board during the year. There were no requests for disclosure filed with the Board under MCR 9.126(D)(7) or MCR 9.126(E)(4) during the year 2009.

Website

The Attorney Discipline Board continues to expand and update its website: www.adbmich.org. The site includes: recent Board opinions, notices of discipline and reinstatement petitions; access to the disciplinary history of all attorneys disciplined in Michigan since October 1, 1978; a searchable data base including the full text of all opinions of the Attorney Discipline Board, as well as all notices of discipline and reinstatement issued since October 1, 1978; and links to related sites in the fields of attorney discipline, regulation and ethics. Since the last annual report, the Board has expanded its website with more information for hearing panel applicants, information on a hearing panelist's disclosure obligations and updated information on the status of high profile cases of interest to the public and profession.

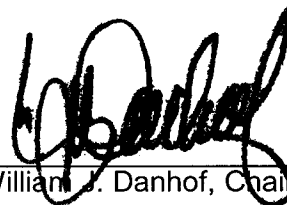
For further information regarding the operation of the Michigan Attorney Discipline Board, please contact:

Attorney Discipline Board
211 W. Fort Street
Suite 1410
Detroit, MI 48226-3236

Telephone: (313) 963-5553
Facsimile: (313) 961-5571



John F. Van Bolt, Executive Director



William J. Danhof, Chairperson

APPENDIX "A"
ANNUAL ACTIVITY REPORT
JANUARY 1, 2009 THROUGH DECEMBER 31, 2009

I. CASES FILED

A.	Formal Complaints (total)	71
1.	New Formal Complaints (GA)	67
2.	Failure-to-Answer Complaints (FA)	4
B.	Automatic Interim Suspensions (AI)	6
C.	Judgment of Conviction (JC)	22
D.	Petitions for Reciprocal Discipline (RD)	2
E.	Petitions to Transfer to Inactive Status (PI)	2
F.	Petitions for Reinstatement (RP)	7
G.	Miscellaneous (MZ)	7
H.	TOTAL CASES FILED	117

II. FINAL DISPOSITIONS

A.	Final Orders of Discipline	107
1.	Revocations	24
2.	Suspensions	48
	a. Subject to MCR 9.123(A)	20
	b. Subject to MCR 9.123(B)	21
	c. Subject to MCR 9.123(B) & (C)	7
3.	Reprimands	33
4.	Misconduct But No Discipline	0
5.	Probation	2
B.	Transfer to Inactive Status	3
C.	Dismissals	13
D.	Reinstatements Granted	6
E.	Reinstatements Denied/Dismissed	9
F.	Other	5
G.	TOTAL FINAL DISPOSITION ORDERS	143

III. OTHER NOTICES ISSUED

A.	Automatic Interim Suspensions Under MCR 9.120	7
B.	Interim Suspensions Ordered By Hearing Panel	1
C.	Automatic Reinstatements Under MCR 9.123(A)	24
D.	TOTAL OTHER NOTICES ISSUED	32

IV. PUBLIC HEARINGS BY HEARING PANELS

A.	Scheduled	304
B.	Held	133

V. COSTS

Total Costs Reimbursed to the State Bar of Michigan by Respondents and Petitioners	\$112,507.65
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APPENDIX "B"
SANCTIONS IMPOSED - 2009
By Type of Misconduct³

	REVOCATION	SUSP. 3 YRS +	SUSP. 180 DAYS LESS 3 YRS	SUSP. 30 - 179 DAYS	REPRIMAND	PROBATION	NO DISCIPLINE	TOTAL
NEGLECT ⁴			2	5	13			20
NEGLECT (Accompanied by Failure to Answer R/I)	3		4	1	2			10
NEGLECT (Aggravated by Misrepresentation to Client or Court)	1		1					2
MISAPPROPRIATION	3	1	3					7
OTHER MONEY OFFENSES	3	2	1	1				7
CONVICTION (Felony)	7	2	2			1		12
CONVICTION (Misdemeanor)			2	4	4	1		11
CONFLICT OF INTEREST			1	2	1			4
FAIL TO COMPLY/PRACTICE WHILE SUSPENDED	2		3	1	2			8
MISREPRESENTATION/FRAUD	1	1	1		1			4
FAIL TO ANSWER REQUEST FOR INVESTIGATION/ COMPLAINT					2			2
RECIPROCAL DISCIPLINE/ JUDICIAL DISCIPLINE	2			2				4
FAILURE TO SUPERVISE					2			2
OTHER	2	1	1	4	6			14
TOTAL:	24	7	21	20	33	2	0	107

³ Formal complaints filed by the Grievance Administrator commonly include multiple charges of misconduct. For this chart, the sanctions are categorized based on the most serious misconduct found by the panel or the Board.

⁴ For purposes of this chart, the term "neglect" encompasses the concepts of competence, neglect, diligence, and communication found in MRPC 1.1, 1.2, 1.3 and 1.4.

APPENDIX "C"
DISCIPLINED ATTORNEYS BY TYPE OF DISCIPLINE - 2009
REVOCATIONS (24)

RESPONDENT	EFFECTIVE DATE
AJLOUNY, Joseph S.	July 15, 2009
BROGAN, Michael J.	October 25, 2008
CONNELLY, Robert J.	April 15, 2006
DOCKERY, Patricia J.	March 21, 2009
EIMERS, Steven E.	March 12, 2009
GRAY, Gerald R., Jr.	March 21, 2009
GREEN, Russell L.	August 1, 2009
HARRINGTON, Peter J.	May 7, 2009
HOLLANDER, Jeffrey B.	April 15, 2009
KILPATRICK, Kwame M.	October 31, 2008
KOTH, Bryce M.	April 9, 2009
KOVACH, Timothy	December 16, 2009
KUBICKI, Kathleen M.	March 21, 2009
KUZAVA, David A.	June 2, 2009
LAVENDER, James P.	November 9, 2009
MAHON, Dennis J.	May 14, 2009
MURASKI, Anthony A.	May 21, 2008
OOSTERHOUSE, Carl	July 30, 2008
PLACHTA, Thomas J.	August 6, 2009
PROCTOR, Frank G.	March 25, 2009
SHOLES, Bruce A.	September 16, 2008
THOMAS, Terrell	December 31, 2008
WARREN, George V.	March 25, 2008
WENDZEL, Robert J.	January 12, 2009

SUSPENSIONS SUBJECT TO MCR 9.123(B) AND (C) [THREE YEARS OR MORE] (7)

RESPONDENT	LENGTH	EFFECTIVE DATE
BEEDING, John Milton, Jr.	Three Years	April 23, 2009
FLAGGMAN, Steven D.	Four Years	September 11, 2008
HOLST, Richard C.	Three Years	June 13, 2009
KUZAVA, David A.	Three Years	April 21, 2009
LI, Tian	Three Years	April 11, 2009
SINGER, Robert J.	Three Years	June 25, 2009
STASSON, Shelley	Four Years	December 18, 2008

SUSPENSIONS SUBJECT TO MCR 9.123(B) [180 DAYS BUT LESS THAN THREE YEARS] (21)

RESPONDENT	LENGTH	EFFECTIVE DATE
ACKERMAN, Jeanine M.	180 Days	August 27, 2009
CLARK, Neftara O.	One Year	September 4, 2009
DAMAN, Namir M.	30 Months	August 29, 2008
DAVIS, Terence A.	One Year	October 23, 2008
DRAIS, Gregory O.	180 Days	December 28, 2006
HARSH, Janet K.	180 Days	December 30, 2008
HERTZOG, Murdoch	180 Days	December 22, 2009
JACKSON, Kerry Leon	Two ½ Years	June 24, 2008
KOPCZYNSKI, Debra	200 Days	June 22, 2009
LEWKO-VERMETTEN, Cynthia D.	15 Months	March 21, 2009
MAXFIELD, Wendy J.	15 Months	January 31, 2009
MITAN, Keith J.	One Year	January 9, 2009
MONTGOMERY, Ada R.	24 Months	July 1, 2009
NEWTON, Jeffrey S.	180 Days	March 3, 2009
PLACHTA, Thomas J.	180 Days	March 21, 2009
PLUNKETT, Ronald J.	Two Years	August 9, 2007
SCHNEIDER, Kevin M.	180 Days	July 30, 2009
TANG, Eric A.	180 Days	December 8, 2009
WALTON, Lamont M.	35 Months	July 1, 2006
WARE, Jane R.	180 Days	June 12, 2009
WIGGINS, Robert L., Jr.	180 Days	May 16, 2009

SUSPENSIONS SUBJECT TO MCR 9.123(A) [LESS THAN 180 DAYS] (20)

RESPONDENT	LENGTH	EFFECTIVE DATE
BAGAZINSKI, Gerald A.	30 Days	March 7, 2009
BERRIS, Marvin L.	60 Days	August 1, 2009
BETTS, George M.	90 Days	July 21, 2009
BLUM, Murray L.	30 Days	October 24, 2009
COTE, John L.	45 Days	September 11, 2009
DUKES, Evette E.	30 Days	February 7, 2009
HARTRICK, Bruce G.	60 Days	June 1, 2009
JONES, Gary W.	30 Days	December 15, 2008
KUTCHINS, Bryan A.	90 Days	May 24, 2008
LONG, Marcellus, Jr.	30 Days	November 21, 2009
MANLEY, Eric R.	60 Days	May 20, 2009
RADULOVICH, Sue E.	120 Days	October 3, 2009
ROBINSON, Scot R.	30 Days	March 21, 2009
RUDOLPH, Paul B.	30 Days	January 31, 2009
SCHULTZ, Lawrence E.	45 Days	January 31, 2009
SMITH, Vicky L.	179 Days	May 21, 2009
TROMBLEY, David H.	30 Days	May 25, 2009
WEISS, Steven L.	90 Days	December 20, 2008
WINSHALL, William	60 Days	November 20, 2009
YAKER, Bradford T.	30 Days	September 26, 2009

REPRIMANDS (33)

RESPONDENT	EFFECTIVE DATE
BEARSS, Jeffrey K.	May 21, 2009
BERRY, John E.	December 10, 2009
BROADWORTH, Jon Allen	December 30, 2008
BUSCHMOHLE, Robert C.	February 28, 2009
CHARLAND, Gerald L.	March 27, 2009
CICCHELLI, Anthony J.	February 18, 2009
COHEN, William R.	September 11, 2009
DICKSON, Deborah A.	January 9, 2009
DREW, Sean W.	May 23, 2009
FEE, Harold D., Jr.	September 4, 2008
FOLMAR, Allison	November 18, 2009

REPRIMANDS (Continued)

RESPONDENT	EFFECTIVE DATE
GORDON, Mayer B.	July 21, 2009
GORNIAK, John F.	June 26, 2009
GREENE, Anthony C.	July 28, 2009
JOHNSTON, Dennis A.	April 7, 2009
KIRK, Martin O.	February 11, 2009
LAZZIO, Stephen M.	July 9, 2009
LINDON, James L.	August 29, 2009
LIPPMAN, Noel L.	August 21, 2009
MALEK, Darren M.	March 27, 2009
McCABE, Margaret J.	November 18, 2009
MORTIMER, Rory D.	February 5, 2009
NEWMAN, David S.	April 16, 2009
NISKAR, Joseph A.	September 2, 2009
OMDAHL, Torger G.	December 30, 2008
PAIGE, Ray A.	January 3, 2009
RAAFLAUB, David H.	August 29, 2009
RADZINSKI, Pamela	December 5, 2009
ROBERTSON, Tracey L.	February 18, 2009
RUDICK, Stuart M.	September 25, 2009
STEPIEN, Teresa B.	July 11, 2009
TALLMAN, John D.	May 5, 2009
TANK, Craig A.	January 3, 2007

PROBATIONS (2)

RESPONDENT	EFFECTIVE DATE
MIX, Thomas O., Jr.	January 6, 2009
SEARER, Chris T.	May 12, 2009

REVOCATIONS	24
SUSPENSIONS - MCR 9.123(B) and (C)	7
SUSPENSIONS - MCR 9.123(B)	21
SUSPENSIONS - MCR 9.123(A)	20
REPRIMANDS	33
PROBATIONS	2
MISCONDUCT BUT NO DISCIPLINE	0

APPENDIX "D"

**Attorney Discipline Board Expenditures
Fiscal Year Ended September 30, 2009**

Expense Item	FY 2008 - 2009
Salaries & Longevity	445,159
Payroll Taxes	32,799
Employee Insurance	148,274
Pension Contribution	39,037
Retiree Health Care Expense	49,540
Rent	136,392
Electricity	4,110
Parking	9,240
Law Clerk and Professional Fees	18,338
Bookkeeping and Audit	14,256
Hearing Panel Expenses/Transcripts	57,512
Machine Rental	11,140
Meetings	7,806
Travel	6,529
Telephone	6,667
Books and Subscriptions	6,401
Office Supplies	8,391
Printing and Stationery	240
Postage	12,446
Insurance	12,426
Repairs and Maintenance	912
Office Expenditures	15,069
Professional Education	5,114
Dues	2,042
Miscellaneous	4,901
Depreciation	2,025
TOTAL	1,056,766

APPENDIX "E"
ATTORNEY DISCIPLINE BOARD
MEMBERS' BIOGRAPHICAL INFORMATION

WILLIAM J. DANHOF, ESQ., of LANSING
Chairperson

Term Expires: September 30, 2011

Mr. Danhof is a principal and leader of the Public Law Practice Group at the Lansing office of the law firm of Miller, Canfield, Paddock and Stone, P.L.C. He is a member of the National Association of Bond Lawyers and is a past president and founding member of the American College of Bond Counsel. Since 2004, Mr. Danhof has been listed in The Best Lawyers in America in the areas of banking law and public finance. He has been associated with the Miller Canfield firm since his graduation from the University of Michigan Law School in 1974. He received his undergraduate degree from Michigan State University. Mr. Danhof is a former member of the State Bar of Michigan's Client Protection Fund Committee and is a fellow of the Michigan State Bar Foundation and the American Bar Association Foundation. In 2004, Mr. Danhof was appointed by President George W. Bush to the United States Holocaust Memorial Council and he was reappointed for a five year term in 2008. Mr. Danhof was appointed by the Michigan Supreme Court to a three-year term on the Attorney Discipline Board commencing October 1, 2005 and reappointed for a second term commencing October 1, 2008. He has served as the Board's Vice-Chairperson and was re-appointed Chairperson for a second one-year term commencing October 1, 2009.

THOMAS G. KIENBAUM of BIRMINGHAM
Vice-Chairperson

Term Expires: September 30, 2010

Mr. Kienbaum is a founding member of the Birmingham law firm of Kienbaum, Opperwall, Hardy & Pelton, P.L.C, a firm specializing in labor and employment matters. He is a graduate of the University of Michigan and of the Wayne State University Law School, where he graduated magna cum laude, served on the Law Review, and was awarded the Order of the Coif. Mr. Kienbaum is a former President of the State Bar of Michigan, the Detroit Metropolitan Bar Association, and the Detroit Barristers Association. He is a Fellow of the American and Michigan Bar Foundations and was inducted into the College of Labor and Employment Lawyers. Mr. Kienbaum serves on the Advisory Board of the National Employment Law Institute and lectures frequently on behalf of that institute and the Michigan Institute of Continuing Legal Education. He was appointed to a three-year term on the Attorney Discipline Board commencing October 1, 2007, and he has been appointed by the Supreme court to a second one-year term as Vice-Chairperson.

WILLIAM L. MATTHEWS, CPA of WEST BLOOMFIELD
Secretary

Term Expires: September 30, 2011

Mr. Matthews is a former partner of Plante & Moran, having served as the firm's managing partner. Mr. Matthews received his bachelor of science degree in business administration from the University of Detroit. He is a member of the American Institute of Certified Public Accountants, the Michigan Association of Certified Public Accountants and is a former chairman and member of the Board of Governors of The American Group of Certified Public Accountants. A former director of the Detroit Economic Club, Mr. Matthews currently serves on the alumni board of Catholic Central High School, is a director of Covenant House of Michigan, a member of the Board of Trustees of The Citizens Research Council of Michigan, and is member emeritus of the board of trustees of Brighton Hospital. Mr. Matthews was appointed by the Supreme Court to a three-year term on the Attorney Discipline Board, effective October 1, 2005, and to a second three-year term effective October 1, 2008. The members of the Board have elected Mr. Matthews to serve as the Board's Secretary.

ANDREA L. SOLAK of GROSSE POINTE PARK
Term Expires: September 30, 2009

Ms. Solak received her undergraduate and law degrees from Wayne State University (JD 1975). During her 25 year career as an Assistant Prosecuting Attorney in Wayne County, she served as an Appellate Prosecutor, and was, for 10 years, the Chief of Special Operations in the Prosecutor's office. Ms. Solak also served as the legislative liaison to the Wayne County Prosecutor and the Prosecuting Attorney's Association of Michigan. She is a former chair of the Criminal Law Section of the State Bar of Michigan. Her service on law enforcement committees has included the Automated Fingerprint Identification System (AFIS), and the Criminal Justice Information System (CJIS), which she chaired for five years. In 1999, Ms. Solak was appointed by the Michigan Supreme Court as a member of the Attorney Grievance Commission and she completed two full terms as a member of that body on September 30, 2005. She was appointed by the Supreme Court to a three-year term on the Attorney Discipline Board, effective October 1, 2006, and re-appointed to a second term effective October 1, 2009.

ROSALIND E. GRIFFIN, M.D. OF FARMINGTON HILLS
Term Expires: September 30, 2011

Dr. Griffin is a psychiatrist practicing in the field of adult and adolescent psychotherapy, with special qualifications in forensic psychiatry. Dr. Griffin is a graduate of Wayne State University (BA) and the Wayne State University School of Medicine (MD). Following her internship at Harper Grace Hospital, she performed her psychiatric residency at Sinai Hospital of Detroit. She is an assistant professor at the Wayne State University College of Medicine and she has held numerous positions in Detroit's medical community including medical director of the Partial Day Hospital Program at Sinai Grace Hospital and medical director of the Deaf Counseling Services Center at Sinai Grace Hospital. Her professional memberships include the Michigan Psychiatric Society (Ethics Committee and co-chair of the Women's Issues Committee); the Wayne County Medical Society (Peer Review Committee); Michigan State Medical Society (Member, House of Delegates); and the American Psychiatric Association. Dr. Griffin was appointed by the Michigan Supreme Court to its Task Force on Gender and Race Bias (1987-1990) and she was later appointed by the Court as a non-lawyer member of the Attorney Grievance Commission (1990-1994). Dr. Griffin is a former member of the Oakland County Bar Association's Public Advisory Committee on Judicial Candidates and she is a former member of the Board of Regents of Eastern Michigan University. The Michigan Supreme Court appointed Dr. Griffin to the Attorney Discipline Board for a three-year term commencing October 1, 2008.

CARL E. VER BEEK of GRAND RAPIDS
Term Expires: September 30, 2011

Mr. Ver Beek is a former partner, and currently Of Counsel to the law firm of Varnum, Riddering, Schmidt & Howlett in Grand Rapids. He is a graduate of Hope College (B.A.) and The Indiana University School of Law (J.D.). He is a member of the Council of the American Bar Association's Dispute Resolution Section and a former member of the Council of the ABA's Labor and Employment Section. He is a Fellow of the College of Labor and Employment Attorneys. Following service as Chair of the Character and Fitness Committee of the State Bar of Michigan, Mr. Ver Beek was appointed by the Supreme Court of Michigan to the Attorney Grievance Commission in 1999. He served for six years as a member of the Grievance Commission, including four years as its Chairperson. Mr. Ver Beek's community activities include his service as Chairman of the Academic Affairs Committee, and member of the Executive Committee of the Hope College Board of Trustees; Chair of the Bethany Christian Services Board; Chair of the Jellema House Board; Board Member of the Michigan Chamber of Commerce; Chairperson of the Grand Rapids Area Chamber of Commerce; Chairperson of the Kent Health Plan; Chairperson of the Holland Home Board and Chairperson of Faith Hospice Board. Mr. Ver Beek was appointed to a three-year term on the Attorney Discipline Board commencing October 1, 2008.

CRAIG LUBBEN of KALAMAZOO

Term Expires: September 30, 2011

Mr. Lubben is a member of the law firm of Miller Johnson at the firm's office in Kalamazoo where he practices in the area of civil litigation with a focus on commercial and employment dispute. He is a graduate of Calvin College (B.A.) and a cum laude graduate of Northwestern University School of Law where he was on the Board of Directors of the Journal of Criminal Law and Criminology and member of Order of the Coif. Mr. Lubben is a former President of the Kalamazoo County Bar Association and has served on the State Bar of Michigan's Representative Assembly and Board of Commissioners. He is currently on the Executive Committee of the Federal Bar Association for the Western District of Michigan. His community service includes membership on the boards of Family and Children Services of the Kalamazoo area, including two terms as president; the Kalamazoo Symphony; the Kalamazoo Christian School Association; and the Calvin College Alumni Association Board, president, 2004-2005. Mr. Lubben was appointed to a three-year term on the Attorney Discipline Board commencing October 1, 2008.

JAMES M. CAMERON, JR. of ANN ARBOR

Term Expires: September 30, 2012

Jim Cameron is a member of the Dykema law firm and is the Office Managing Member for Dykema's Ann Arbor, Michigan office. He graduated with honors from Harvard University in 1973 and obtained his law degree from American University in 1978. Between college and law school, Mr. Cameron taught high school English. Since joining Dykema in 1978, Mr. Cameron has been a member of the firm's Litigation Group, practicing primarily in the area of commercial litigation with experience in patent infringement suits and construction contract litigation. Mr. Cameron has an interest in alternative dispute resolution and has significant experience as a facilitator, mediator, and arbitrator. Mr. Cameron has been actively involved in public education as a past trustee for the Ann Arbor Public Schools Board of Education, as a board member and past Chairperson of the Ann Arbor Public Schools Educational Foundation, and as Chairman for the Michigan Teacher Tenure Commission. He is also a past member of the Board of Trustees, Planning Commission and Zoning Board of Appeals for Scio Township, and has served on the Elected Officials Compensation Committee and Zoning Board of Appeals for the City of Ann Arbor. In December 2008, the Michigan Supreme Court appointed Mr. Cameron to fill an unexpired term on the Attorney Discipline Board ending September 30, 2009. He was re-appointed to a full three-year term commencing October 1, 2009.

SYLVIA P. WHITMER of WEST BLOOMFIELD

Term Expires: September 30, 2012

Dr. Whitmer received her undergraduate degree and a post-graduate degree as an education specialist from Wayne State University. She holds a masters degree from the University of Edinborough, Scotland, and a doctorate (PhD) from Michigan State University. During her professional career in education, Dr. Whitmer has been a high school teacher, an elementary school principal and, from 1990 until her retirement in 2005, the Executive Director of Instruction, K-12, for the Birmingham Public Schools. Dr. Whitmer was an elected member of the Birmingham Board of Education from 1975 to 1987, serving three times as its president. In addition to her service as a Board member of the Birmingham Area Senior Coordinating Council, Dr. Whitmer is involved in the Birmingham Optimist Organization, the League of Women Voters and the American Association of University Women. Dr. Whitmer was appointed by the Supreme Court to a three-year term on the Attorney Discipline Board commencing October 1, 2009.

APPENDIX "F"
2009 HEARING PANEL ROSTER⁵

ALLEGAN COUNTY

OYLER, W. Tedd

ALPENA COUNTY

WHITE, Daniel W.

ANTRIM COUNTY

HOUGHTON, Ralph H., Jr.

BAY COUNTY

GIUNTA, Rozanne M.
LEARMAN, Richard C.
MOROSI, John M.
MORRIS, Patricia T.

BENZIE COUNTY

MCKAY, Joan S.

BERRIEN COUNTY

ANDERSON, Kevin S.
BURDICK, Carl R.
CONYBEARE, Bruce C.
DESEMBERG, Louis A.
KRAGT, Timothy A.
PETERSON, David M.
SMITH, Peter W.
STRAUB, James M.
TAGLIA, Paul A.

CALHOUN COUNTY

CHRIST, Chris T.
FISHER, James A.
GEIL, Thomas D.
KARRE, Nelson T.
MUMFORD, Daryl J.
STEFFEL, Vern J., Jr.

CHARLEVOIX COUNTY

ARNER, Timothy D.
KLEVORN, Kevin G.

CHIPPEWA COUNTY

VEUM, Thomas J.

DELTA COUNTY

CLARK, Richard C.
GREEN, Nino E.
PETERSON, Ralph B.K.

EMMET COUNTY

MURRAY, James J.
RAMER, James T.
SMITH, W. Richard
TRESIDDER, Stephen J.
WURSTER, Joel D.

GENESEE COUNTY

BAESSLER, Joseph E.
BARKEY, Brian M.
BUCKLEY-O'NEILL, Kathleen
CULLARI, Francine
DIESEL, Peter L.
GRIFFIN, Walter P.
HALDY, Ronald L.
HART, Clifford
HENNEKE, Edward G.
KNECHT, Timothy H.
KRELLWITZ, Michael W.
MANGAPORA, Michael J.
MINER, Sharon K. S.
PABST, Tom R.[%]
PIPER, Randolph P.
REISING, H. William
SIMMINGTON, Glen M.
SMITH, Alan M.
SPENDER, Steven F.
TREMBLEY, James J.
TUCKER, John R.
TURNAGE, Frank G.
WHEATON, Robin L.

GRAND TRAVERSE COUNTY

ASSEDELFT, Barbara A.
BICKEL, Mark P.
BIMBER, Frederick R.
BUDROS, Barbara D.
CHRISTOPHERSON, James A.
FISHER, Joseph C.

HOUGHTON COUNTY

DAAVETTILA, Robert T.

INGHAM COUNTY

BEHAN, Michael R.
BEHAN, Raymond R.
BENGTSON, Thomas A.
BOSSENBROOK, Arlyn J.
BYERLEY, Thomas K.[%]
CASEY, Nan Elizabeth
CUNNINGHAM, Janice K.
DALE, Julia A.
DE VINE, Barry F.

INGHAM COUNTY
(Continued)

DOSTER, Eric E.
EDGAR, Mary C.
EMERY, Lawrence J.
FINK, Joseph A.
FRIEDMAN, Leo H.
GALLAGHER, Bryon P., Jr.
GROLL, Catherine
HOGAN, Patrick R.
HOOVER, C. Mark
HORNBACK, Oskar M.
JAMO, James S.
LOVIK, Mary M.
MALLORY, Susan L.
MANIS, Paula K.
McCARTHY, Robert E.
McLEOD, Ian C.
PELOT, Michael J.
STROPKAI, James L.
STROUD, Ted W.
SUHRHEINRICH, Richard J.
TIMMER, Amy
TYSZKIEWICZ, Roman
WADDELL, David D.
WARD, James R.
WONCH, Nancy A.
ZULAKIS, George

IONIA COUNTY

O'CONNOR, Rex P.

ISABELLA COUNTY

BLOEM, Gordon M.

JACKSON COUNTY

BARTON, Bruce A.
HAMILTON, Janet L.

KALAMAZOO COUNTY

CONTOS, Harry, Jr.[%]
DELEHANTY, Mary E.
FENTON, Stuart L.
GETTING, Jeffrey S.
HAYTER, Karen M.
KEISER, W. Jack
KNEAS, John W.
LENNON, Robert R.[#]
LEVINE, Sharan Lee
RUSSELL, Gregory W.
RYAN, William J.
SHARMA, Namita
SMITH, C. Giles, Jr.
ZAUSNER, Henry T.

⁵ *Deceased.
#Retired or resigned as panelist.
%Inactive panelist.
&All full-time judges removed as hearing panelists.

KENT COUNTY

BACON, Terrance R.
BLACK, James G.
BRASIC, Jon J.#
COURTADE, Bruce Anthony
DAVID, Ronald E.
DUGAN, Robert J.
EDGAR, Christopher L.
FARR, William S.
FIELDS, Geoffrey A.
KOLENIC, Anthony J., Jr.
KOSTA, Michael J.
McCARTHY, Paul A.
McGLADDERY, Patrick C.
MELTON, Scott R.
MUDIE, Kent W.
O'DOWD, Kevin J.
RABIDEAU, Christopher J.
REAMON, Martha E.
SAALFELD, James R.
SMIETANKA, John Allen
SPALDING, Arthur C.
THEIME, R. Kevin
VAN'T HOF, William K.
VULETICH, Victoria V.
WALTON, Michael C.
WOOD, Rock A.

LAPEER COUNTY

PETERS, Neill T.

LENAWEE COUNTY

COOPER, David J.

LIVINGSTON COUNTY

BALON-VAUGHN, Roberta S.
CHRISTIAN, Stewart A.
DRICK, Jay R.
GARDELLA, Robert C.
MILLER, Bonnie J.
TROST, Richard M.

MACOMB COUNTY

ANDERSON, Philip J.
BOLANOWSKI, Eugene R.
CAPUTO, Anthony J.
CARDAMONE, Emil E.
COLMAN, Neil M.
DELEKTA, Diane Hubel
DIXON, Ronald R.
FINAZZO, Lori J.
GARVEY, Paul T.
GARVEY, Robert F.
GOODMAN, Mark D.
GUERRIERO, Timothy M.
HRIBAR, Robert J.
KAPLAN, Steven M.
KATZ, Lawrence S.
LASCOE, John S.
LEGGHIO, Brian M.
LUJAN, Joseph G.
MAKARSKI, Daniel P.

MACOMB COUNTY
(Continued)

MARTIN, James N.
McCULLOUGH, Max D.
MERRY, Cynthia E.
PESSINA, Cyril C.
PUTMAN, Alicia M.
PUZZUOLI, Joseph P.
RINI, James W.
RUSSELL, Karen
SCHOENHERR, Craig S., Sr.
SHATZMAN, Pearl P.
TEGEL, Renee D.
WARNEZ, Dana M.
WOMACK, P. Douglas, Jr.
WYSS, William A.

MANISTEE COUNTY

KELEHER, Dennis L.

MASON COUNTY

ANDREWS, Robert D., Jr.
NICHOLSON, Gary L.

MARQUETTE COUNTY

CASSELMAN, Thomas P.
KEEFE, Ronald D.
KOCH, Kevin Wm.
PENCE, Steven L.

MENOMINEE COUNTY

BURGESS, Janis M.#

MIDLAND COUNTY

DURANCE, Stephen E.
MADDOX, Mark R.
MATHIEU, James H.

MONROE COUNTY

HORKEY, Christian J.
LAVOY, Jill M.
WETZEL, Robert
ZAGORSKI, Maria

MUSKEGON COUNTY

BALGOOYEN, Fredric F.
BLEAKLEY, Frederick W.
BOSSENBROEK, David L.
CHESSMAN, Robert O.
DAVIS, Shawn P.
MAY, Berton K.
NEAL, Gary T.
SCOTT, Brianna
SNIDER, I. John, II

OAKLAND COUNTY

ABBO, Peter
ABRAMS, Nina Dodge
ACKER, Gerald H.
ANTONE, N. Peter
APPEL, Jeffrey S.
AUGER, Cheryl J.
AUGUST, Gary K.
BAIERS, James E.
BALIAN, Michael J.
BARKER, Lori A.
BASILE, Andrew R.
BATTERSBY, Michael L.
BAUM, Martin S.
BAUMHART, A. David, III
BENHAM, Lucy R.
BENSON, Gail S.
BERNSTEIN, Douglas C.
BERNSTEIN, Samuel I.
BERNSTEIN, Stephen R.
BINKLEY, David A.
BOLTON, Robert S.
BOOKHOLDER, Ronald W.
BROOKS, Keefe A.
BROWN, Geoffrey M.
BRUKOFF, William M.
BUESSER, Frederick G., III#
BULLARD, Rockwood W., III
BURDICK, James W.
BUSACCA, David W.
CANVASSER, Sue Ann
CARUSO, Kathryn M.
CHARTRAND, Douglas A.%
COLBERT, James P.
COLLINS, Morton B.
COLTON, Michael W.
CRANMER, Thomas W.%
CUTLER, Donald M.
DAMREN, Samuel C.
DE VINE, Clifford, J.
EICHENHORN, Emily J.
EISENBERG, Marsha Katz
FABRIZIO, Joseph J.
FELDMAN, Barry M.
FOX, Sharon Mullin
FREILICH, Diane M.
FRYHOFF, Timothy T.
GAGE, William C.
GARIEPY, Robert L.
GERSHEL, Alan M.
GOLD, Edward D.
GOLDMAN, Barry
GOLDSTEIN, Ronald A.
GOODMAN, Barry J.
GOOGASIAN, George A.
GRAMZOW, Kirsten E.
GROFFSKY, Richard L.
HARNISCH, Alan C.
HAROUTUNIAN, Edward L.
HEWSON, James F.
HOHAUSER, Michael S.
HUDSON, Clarence L.
HUTSON, Michael W.
JACOBS, Mark S.
KANTER, Alan M.
KELLY, Dale F.
KINSLEY, Stephen L.

OAKLAND COUNTY
(Continued)

KUHN, Loraine R.
KUTHY, Douglas E.
LANGE, Craig W.
LASSER, Marshall D.
LEITMAN, Bruce T.
LEONARD, Norbert B.
LERNER, Joshua A.
LICHTERMAN, Susan S.
LINDEN, Howard T.
LINDEN, Jeffrey B.
LOGAN, Leslie Anne
LOWENTHAL, Betty L.
LYON, Mark W.#
MANTESE, Gerard V.
MARTENS, William L.
MARVIN, Ronald S.
MATZ, Steven J.
McCANN, D. Michael
MILIA, Robert P.
MITSEFF, Kimberly R.
MORROW, Raymond L.
NORMAN, Keith J.
NOVAK, Richard A., Jr.
OCHS, Norman P.
PALETZ, Susan E.
PAPPAS, Edward H.
PARKER, Joyce E.
PERLMUTER, Gary
PIA, Joseph
RICE, Cinnamon A.
RONAYNE, Colleen V.
RYAN, Stephen M.
RYAN, Thomas J.
SALTZMAN, Shirley A.
SAWYER, Thomas G.
SEIFMAN, Barry A.
SCHEIBLE, Eric D.
SCHNELZ, Kurt E.
SHABAN, Tova G.
SHERR, Paul D.
SHULMAN, Marc I.
SILVER, Kenneth F.
SIMPSON, Thomas C.
STEFANI, Michael L.
STERLING, J. Robert
STERLING, Raymond J.
STEWART, Jeffrey T.
SUSSER, Danielle F.
SUSSER, Steven C.
TALARICO, Paula M.
TARTT, Tyrone Chris
TATE, Towana
TEICHER, Mark L.
THOMAS, Joseph W.
TOOHEY, Robert E.
TRIEST, Brent S.
TUCK, Marsha Lynn
TURNER, Lee I.
VESTRAND, Joan P.
VICTOR, Steven I.
WALKER, David R.
WALLACH, Howard I.
WARSH, Richard L.
WAX, Harvey I.
WEINER, Cyril V.

OAKLAND COUNTY
(Continued)

WEINER, Stuart S.
WELLS, Steven W.
WERDER, Mark R.
WILLIS, Robert L., Jr.
WILSON, Eric S.
WOLOCK, Steven M.
YOCKEY, Kurt D.
YOCKEY, Michael J.
ZAUSMER, Mark J.
ZEMMOL, Allen
ZUPPKE, David F.

OCEANA COUNTY

PRINCE, Clifford W.
ROSE, James M.

OTSEGO COUNTY

COTANT, James C.

OTTAWA COUNTY

HANN, Donald H.
HOESCH, Kenneth W.
MARQUIS, John R.
McNALLY, Sheila F.
MULDER, Andrew J.

ROSCOMMON COUNTY

MEIRING, Ronald C.

SAGINAW COUNTY

CHASNIS, John A.
HAHN, Robert A.
MOSSNER, Eugene D.
SMITH, Lawrence Wm., Jr.
WALLACE, David A.
WASHBURN, Douglas S.

ST. CLAIR COUNTY

HILL, Steven L.
KELLY, Charles G.
LANE, Cynthia A.
McGLYNN, Meghan A.
McNAMEE, John B.
WATSON, George C.
WHIPPLE, David C.

ST. JOSEPH COUNTY

DAVIDSON, Matthew S.

VAN BUREN COUNTY

DuBAY, Mark D.
SCHUITMAKER, Harold G.

WASHTENAW COUNTY

BARR, John
BURKE, Joseph F.
CARTER, Stefani A. %
CONNORS, Margaret A.
DEW, Thomas E.
DODD, Gregory L.
EGGAN, Andrew M.
FINK, Sally Claire
FLINTOFT, Peter C.
GREEN, Philip
JONES, Constance L.
KESSLER, Barbara L.
LAX, Jerold
LOVERNICK, Richard N.
NICHOLS, Margaret J.
ROSEWARNE, Philip J.
SACKS, Monika H.
SAFRANEK, Stephen J.
SENDELBACH, Karen S.
SLANK, Eileen J.
SUGERMAN, Donald F.
VARTANIAN, Michael G.
VINCENT, Michael J.
WEBER, Deborah J. Hammerlind

WAYNE COUNTY

BARTOS, Suzanne P.
BOLDEN, Carl B., Jr.
BUFFINGTON, Lamont E.
BURGESS, Laurence C.
CALILLE, Albert
CAMINSKY, Jeffrey
CHADWELL, Kenneth R.
COSTELLO, Margaret A.
COTHORN, John A.
CUMMINGS, Owen J.
DAKMAK, George P.
EDWARDS, Sharon-Lee
EISENBERG, Stuart B.
ELLIOTT, Sylvia J.
ENGSTROM, John C.
ESSAD, Kenneth M.
ESSHAKI, Gene J.
FIELDMAN, Elaine S.
FISCHER, Paul J.
FISHER, Dodd B.
GAZALL, Robert S.
GESKEY, Stephen M.
GRUSKIN, Michael A.
GURWIN, Howard E.
HAMMOND, Helen M.#
HAMPTON, Verne C., II
HELLAND, Lynn A.
HURWITZ, Miles A.
JACOBS, John P.
JADALLAH, Samer Naim
JORDAN, Teri A.
KASIBORSKI, Chester E., Jr.
KITCH, Richard A.
KOHL, David D.#
KUPLICKI, Francis P.
LAKE, Timothy W.
LEMIRE, John J.
LIZZA, John B.
LONGSTREET, Kristine Heard

WAYNE COUNTY
(Continued)

LORENCE, Gerald M.
MAVEAL, Gary M.
McGRAW, Steve
MILLER, Bruce A.
MILLER, C. David, II
MURPHY, Barbara L.
NIFOROS, Lambro
PAPISTA, Anthea E.
PHILLIPS, Dwight W.
PITTS, Stanley H.
PLUMB, Frederick B.
RIVARD, Donald M., Jr.
ROBINSON, Ron D.
RODWAN, Gail O.
RONAYNE, John J., III
ROSS, Steven P.
SAUGET, William J.
SCHONBERG, Edward R.
SERYAK, Richard J.
SHERROD, Patricia L.
SIMON, Basil T.
SINCLAIR, Jennifer J.
SKILLMAN, Alicia J.
SMITH, James A.
TALON, Lawrence S.
TALON, Marianne G.
TEALL, Graham L.
THOMAS, Cynthia G.
THOMAS, James C.
TRZCINSKI, Thomas J.
TUKEL, Jonathan
URSO, John R.
VAN HOEK, Dawn A.
VENDITTELLI, Nicholas J.
VIEGAS, Christine Bernhard
WATZA, Michael J.
WELLER, Robert Y., II
WIDLAK, Anne
WILLIAMS, Avery K.
WIRTH, George N.
WYNNE, James E.
YOTT, Cynthia K.

WEXFORD COUNTY

McCURDY, David S.
PETERSON, David R.