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NOTICE OF DISBARMENT
(By Consent)

Case No. 21-27-GA

Notice Issued: July 14, 2021

David A. Keyes, P 43917, Fort Gratiot, Michigan, by the Attorney Discipline Board Tri-County Hearing Panel #104.

Disbarment, Effective July 8, 2021

The respondent and the Grievance Administrator filed a Stipulation for Consent Order of Disbarment, 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 admissions that he committed professional misconduct by commingling and misappropriating client funds while employed as a partner in the Kelly Law Firm ("Firm"). The complaint generally alleged that while employed at the Firm, respondent was subject to the Firm's "Financial and Amended Operating Agreements," which prohibited him from engaging in the practice of law outside of the Firm, and required him to submit all client payments to the Firm for deposit into an appropriate bank account upon receipt. It was alleged that, in violation of the agreements, respondent deposited client funds in his own personal bank account instead of the Firm's IOLTA account, and thereafter commingled and/or misappropriated the funds. Additionally, respondent failed to obtain a client's agreement to a stipulated court order; failed to keep his clients informed about the status of their matters; and knowingly disobeyed an obligation under the rules of a tribunal.

Based upon respondent's admissions and the stipulation of the parties, the panel found that respondent failed to obtain a client's agreement to a stipulated court order, in violation of MRPC 1.2; failed to keep a client reasonably informed about the status of a matter and comply promptly with reasonable requests for information and 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(a) and (b); failed to promptly notify a client when funds or property in which the client had an interest was received, in violation of MRPC 1.15(b)(1); failed to promptly pay or deliver any funds or other property that the client was entitled to receive, in violation of MRPC 1.15(b)(3); failed to hold property of his client in connection with a representation separate from the lawyer's own property and failed to deposit his client's funds into an IOLTA account, in violation of MRPC 1.15(d); failed to deposit advance legal fees and expenses into a client trust account and failed to withdraw those fees or expenses only as fees are earned or expenses incurred, in violation of MRPC 1.15(g); knowingly disobeyed an obligation under the rules of a tribunal, in violation of

MRPC 3.4; and engaged in conduct that involved dishonesty, fraud, deceit, misrepresentation, or violation of the criminal law, where such conduct adversely reflected on the lawyer's honesty, trustworthiness, or fitness as a lawyer, in violation of MRPC 8.4(b). Respondent was also found to have violated MCR 9.104(1)-(4); and MRPC 8.4(a) and (c).

In accordance with the stipulation of the parties, the hearing panel ordered that respondent be disbarred from the practice of law in Michigan. Total costs were assessed in the amount of \$787.76.