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NOTICE OF DISBARMENT

Case Nos. 23-69-GA- 23-70-MZ
(Ref. 22-60-JC; 22-61-GA)

Notice Issued: February 22, 2024

Michael G. Mack, P 31173, Alpena, Michigan, by the Attorney Discipline Board Emmet County Hearing Panel #3

Disbarment, Effective February 15, 2024¹

After proceedings conducted pursuant to MCR 9.115, including show cause proceedings based upon respondent's failure to comply with the panel's earlier Order of Reprimand with Conditions (By Consent) issued in *Grievance Administrator v Michael G. Mack*, 22-60-JC, 22-61-GA, the panel found, by default, that respondent failed to follow the requirements of the panel's previous order; committed professional misconduct while serving as the assigned judge in a case titled *State of Michigan v Kala McDonald*, 26th Circuit Court Case No. 2017-8132-FH; sent numerous explicit sexual text messages to a client requesting suggestive photos and sexual favors, and encouraging the on-probation client to drink alcohol; practiced while his license was suspended; and failed to respond to a Grievance Administrator's Request for Investigation.

Based on respondent's default and the evidence presented by the Grievance Administrator, the panel found respondent failed to uphold the integrity and independence of the judiciary, in violation of Michigan Code of Judicial Conduct (MCJC) Canon 1 [Count One]; failed to avoid all impropriety and the appearance of impropriety, in violation of MCJC Canon 2(A) [Count One]; failed to observe and respect the law, in violation of MCJC Canon 2(B) [Count One]; allowed social or other relationships to influence his judicial conduct or judgment, in violation of MCJC Canon 2(C) [Count One]; failed to remain faithful to the law and to maintain professional competence in the law, in violation of MCJC Canon 3(A)(1) [Count One]; failed to be patient, dignified, and courteous to litigants and others with whom he dealt in an official capacity, in violation of MCJC Canon 3(A)(3) [Count One]; initiated, permitted, or considered ex parte communications, or considered other communications made to him outside the presence of the parties concerning a pending or impending proceeding, in violation of MCJC Canon 3(A)(4) [Count One]; made pledges, promises,

¹ Respondent's license to practice law in Michigan has been continuously suspended since April 20, 2023. Please see Notice of Automatic Suspension for Non-Payment of Costs, issued April 24, 2023, in *Grievance Administrator v Michael G. Mack*, 22-60-JC; 22-61-GA.

or commitments that were inconsistent with the impartial performance of the adjudicative duties of judicial office in connection with cases, controversies, or issues that were likely to come before the court, in violation of Canon 3(A)(7); failed to raise the issue of disqualification whenever he had grounds to believe that grounds for disqualification may exist under MCR 2.003(C), in violation of MCJC Canon 3(C) [Count One]; failed to provide competent representation to a client, in violation of MRPC 1.1 [Count Two]; failed to seek the lawful objectives of a client through reasonably available means, in violation of MRPC 1.2(a) [Count Two]; counseled a client to engage, or assist a client, in conduct that the lawyer knows is illegal or fraudulent, in violation of MRPC 1.2(c) [Count Two]; represented a client when the representation of that client may be materially limited by the lawyer's own interests, contrary to MRPC 1.7(b) [Count Two]; practiced law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, in violation of MRPC 5.5 [Count Three]; failed to treat with courtesy and respect all persons involved in the legal process, in violation of MRPC 6.5(a) [Count Two]; failed to treat every person fairly, with courtesy and respect, in violation of MRPC 6.5(b) [Count One]; knowingly failed to respond to lawful demands for information from an admissions or disciplinary authority, in violation of MRPC 8.1(a) [Count Four]; engaged in conduct that violates a criminal law of a state, an ordinance, or tribal law pursuant to MCR 2.615, in violation of MRPC 8.4(b) [Counts One, Three]; and engaged in conduct prejudicial to the proper administration of justice, in violation of MRPC 8.4(c) and 9.104(1) [Counts One through Four].

The panel also found that respondent committed the following violations of the Michigan Court Rules: engaged in conduct that exposes the legal profession or the courts to obloquy, contempt, censure, or reproach, in violation of MCR 9.104(2) [Counts One through Four]; engaged in conduct that is contrary to justice, ethics, honesty, or good morals, in violation of MCR 9.104(3) [Counts One through Four]; engaged in conduct that violates the standards or rules of professional conduct adopted by the Supreme Court, in violation of MCR 9.104(4) [Counts One through Four]; engaged in conduct that violates a criminal law of the state, an ordinance, or tribal law, in violation of MCR 9.104(5) [Count Three]; failed to answer a Grievance Administrator's request for investigation, in violation of MCR 9.104(7) [Count Four]; failed to file with the tribunal and all parties a notice of the attorney's disqualification from the practice of law, in violation of MCR 9.119(B) [Count Three]; practiced law, had client contact, appeared as an attorney in court, and/or held himself out as an attorney while suspended, in violation of MCR 9.119(E) [Count Three]; engaged in persistent incompetence in the performance of his judicial duties, in violation of MCR 9.202(B)(1)(a) [Count One]; treated a person unfairly or discourteously because of the person's race, gender, or other protected personal characteristic, in violation of MCR 9.202(B)(1)(d) [Count One]; misused his judicial office for personal advantage or gain, or for the advantage or gain of another, in violation of 9.202(B)(1)(e) [Count One]; and engaged in conduct that violates the Code of Judicial Conduct or the Rules of Professional Conduct, whether the conduct occurred before or after he became a judge or was related to judicial office, in violation of MCR 9.202(B)(2).

The panel ordered that respondent be disbarred. Costs were assessed in the amount of \$2,283.20.