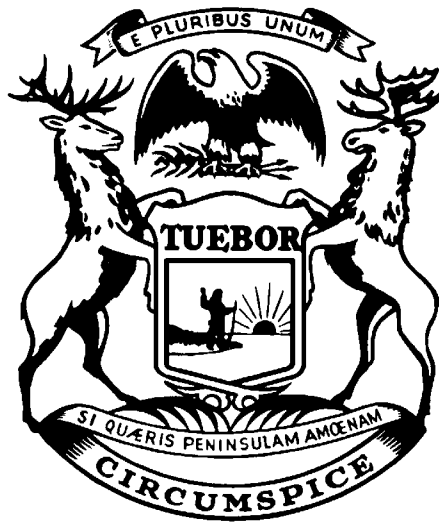


STATE OF MICHIGAN

Attorney Discipline Board and Attorney Grievance Commission

2016 JOINT ANNUAL REPORT



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STATE OF MICHIGAN
ATTORNEY GRIEVANCE COMMISSION

Annual Report

January 1, 2016 to December 31, 2016

**Attorney Grievance Commission
535 Griswold St., Suite 1700
Detroit, MI 48226-3259**

Attorney Grievance Commission Staff

(January 2017)

Alan M. Gershel, Grievance Administrator

Robert E. Edick, Deputy Administrator
Cynthia C. Bullington, Assistant Deputy Administrator

Gina M. Kakish, Office Manager

Associate Counsel:

Ruthann Stevens	Dina P. Dajani
Stephen P. Vella	John K. Burgess
Rhonda Spencer Pozehl	Charise L. Anderson
Emily A. Downey	Sarah C. Lindsey
Kimberly L. Uhuru	Jordan P. Paterra
	Nathan P. Pitluk
	Michael M. Mazur

Investigators: Rhonda Warner
Jason Miciuda

Investigative Specialist: Yulanda Burgess

Paralegals: Erin Farler
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Charlene Varacalli
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Louise Arzooyan

Intake Assistants: Monica Garza
Jane Brown

Administrative Assistant: Yulette Barnes

Receptionist: Margarita Kipreos

Mail Clerk: Consuelo Gonzalez

File Clerk: Zachary Gilreath

Attorney Grievance Commission Staff



State of Michigan

Attorney Grievance Commission

Annual Report

January 1, 2016 – December 31, 2016

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 prosecutorial 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 the city of Detroit.

Commission Composition

The Commission consists of nine members, who serve without compensation. The six lawyers and three non-lawyers are each appointed by the Michigan Supreme Court for a term of three-years. A member may not serve more than two terms.

The Commission's Chairperson and Vice-Chairperson are appointed to one-year terms by the Michigan Supreme Court. The Commission's Secretary is elected by its members.

- **Charles S. Kennedy, III, Chairperson** - term ending 10/1/17
- **Victor A. Fitz, Vice-chairperson** - term ending 10/1/17
- **Jeffrey T. Neilson, Secretary** – term ending 10/1/17
- **Pastor R. B. Ouellette, Lay person** – term ending 10/1/17
- **Valerie R. White, Attorney member** – term ending 10/1/18
- **Cathy Joan Pietrofesa, Lay person** – term ending 10/1/18
- **Megan K. Cavanagh, Attorney member** – term ending 10/1/19
- **Jeffrey Sakwa, Lay person** – term ending 10/1/19
- **LaToya Willis, Attorney Member** – term ending 10/1/18

The Grievance Administrator's Staff

The Grievance Administrator and Deputy Administrator are appointed by the Supreme Court pursuant to MCR 9.109. The Grievance Administrator is empowered under MCR 9.111 to hire legal and support staff, with the approval of the Commission. During the year 2016, the Grievance Administrator supervised a staff of thirteen attorneys, two investigators, and seventeen administrative and clerical staff. Additionally, the Commission accepts law students for a legal intern program in connection with their respective law schools.

Commission Procedures

The grievance and 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 Grievance Administrator against an attorney, or when the Grievance Administrator commences an investigation in his/her own 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 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 the procurement of court records or banking records. When such an investigation is concluded, the Grievance Administrator must submit the investigative file to the Commission for its review and disposition.

In each investigative file referred to the Commission, the Grievance Administrator may recommend to the Commission that: (1) the matter be closed as there is insufficient evidence of professional misconduct; (2) the Respondent attorney be placed on contractual probation, a diversion program where minor misconduct is significantly related to alcohol or other substance abuse, or other impairment, pursuant to MCR 9.114(C)(3) the Respondent attorney be admonished under MCR 9.114(B), a confidential disposition requiring the attorney's consent or (4) authority be granted to file a formal complaint against the Respondent attorney for allegations of professional misconduct pursuant to MCR 9.114(A)(2). The Grievance Administrator must inform the complainant and the Respondent, if the Respondent answered the Request for Investigation, of the final disposition of every Request for Investigation MCR 9.114(F).

Investigations

During 2016, the Commission docketed **2270** Requests for Investigation [grievances]. This number includes **190** Requests for Investigation generated under the Trust Account Overdraft Notification (TAON) rule, which requires notification to the Grievance Administrator by a financial institution when an attorney has overdrawn his or her client trust account. The Commission received nearly 18,000 phone calls in the year 2016.

Appendix A (page 18 of this report) includes a 10-year comparison of the Requests for Investigation filed since 2007.

As shown in Table 1 (below), the areas of practice most likely to lead to a grievance are criminal law, domestic relations, probate, and personal injury law.

Table 1 – Nature of underlying legal matter in grievances filed, 2016 and 2015

Subject Matter	% of Total Grievances 2016	% of Total Grievances 2015
Criminal law	33.00	37.8
Domestic relations	14.00	13.83
Probate law	10.00	9.02
Commercial litigation	5.00	3.8
Bankruptcy law	3.00	4.21
Real estate transactions	2.00	1.64
Insurance law	1.00	1.0
Immigration law	2.00	1.63
Employment/labor law	2.00	2.0
Personal Injury	11.00	9.63
All Others	15.00	15.44

Table 2 (below) compares the final disposition of the grievances resolved by the Grievance Administrator or the Commission in 2016 compared to 2015. In 2016, the Commission received **2080** grievances. The **2265** dispositions in 2016 included **1741** grievances dismissed by the Grievance Administrator pursuant to MCR 9.112(C)(1)(a) and MCR 9.114(A)(1); **248** grievances closed by the Commission; **91** admonitions issued by the Commission; **18** contractual probations approved by the Commission; **160** individual grievances approved by the Commission for the filing of a formal complaint; **7** judgment of convictions were authorized for formal action.

Table 2 – Disposition of Grievances, 2016 and 2015.

	2016	2015
Total Grievances Received	2080	2014
Total Grievances Disposed	2265	2240
Rejected by the GA or Closed in Intake	1741	1657
Total Disposed of by the Commission after full investigation	524	583
Closed by the Commission	248	278
Admonishments	91	120
Contractual Probation	18	27
Approved for Formal Complaints	160	136
Approved for Judgment of Conviction	7	22

There were **586** open investigative files pending with the Commission on January 1, 2016. On December 31, 2016, the open investigative caseload was **586**. The dispositions of grievances for a particular year are not necessarily dispositions of all grievances filed for that year. The dispositions for 2016 included grievances filed before January 1, 2016, and some of the grievances filed during the year were pending on January 1, 2016.

AGC CASE SUMMARIES

Deputy Grievance Administrator: Robert E. Edick

Grievance Administrator v Steven G. Cohen, ADB Case No. 15-28-GA

Respondent represents an interested party in probate proceedings involving the estate of civil rights icon Rosa Parks. Respondent filed a pleading in the probate case that he labeled a “conspiracy petition” and that named as a defendant the probate judge handling the Rosa Parks estate. The conspiracy petition alleged that the probate judge had conspired with the two co-fiduciaries to loot the estate. Respondent also filed a motion to disqualify the probate judge which was based, in part, on the existence of the conspiracy petition.

Respondent’s motion to disqualify was denied and his conspiracy petition was dismissed. On appeal, the Court of Appeals affirmed the probate court and found that Respondent’s purpose in filing the conspiracy petition was to provoke the disqualification of the probate judge.

The hearing panel determined that Respondent’s effort to provoke the probate judge’s disqualification was conduct prejudicial to the administration of justice. The hearing panel also determined that Respondent’s conspiracy petition constituted undignified and discourteous conduct towards a tribunal. The hearing panel entered an order of 180 day suspension effective May 26, 2017.

Assistant Deputy Grievance Administrator: Cynthia C. Bullington

Petition for Reinstatement of Robert Slameka, ADB Case No. 16-1-RP

Robert Slameka was denied reinstatement by a hearing panel following admissions by Slameka that he did not have a traditional law office before his suspension but would regularly meet clients in the lobby of a Detroit casino. One panelist commented said that Slameka sounded like the lawyer in a TV show called, “Better Call Saul”. Robert Slameka also had his driver’s license suspended because he owed more than \$600 in unpaid parking tickets. At the reinstatement hearing, Slameka blamed his “drunken” wife for the 42 outstanding infractions, saying she would become intoxicated and throw the tickets away without telling him. However, his wife was deceased at the time when some of the tickets were issued. Slameka’s mother was also dead but he signed her name posthumously to checks and deposited them into his bank account. On August 17, 2016, the panel issued its report denying reinstatement because his “casual attitude toward the truth demonstrates a lack of good faith to be reinstated.”

Grievance Administrator v Andrew Shirvell, ADB Case No. 15-49-GA

Andrew Shirvell was an assistant attorney general when he was fired in 2010. He had criticized Christopher Armstrong on an anti-gay blog, in Facebook posts, and during visits to the Ann Arbor campus. Respondent claimed that he was exercising his First Amendment right to free speech. Respondent's speech included calling Armstrong "dangerous," "Satan's Representative," a "radical homosexual activist," and a "major-league fanatic who is obsessed with imposing the radical homosexual agenda on the student body." Respondent also set up a Facebook "fan page," Respondent wrote: "I will not be SILENCED by the likes of Armstrong. You're going down fruity-pebbles." Respondent also wrote, "I better not see Chris Armstrong at MY [church] parish in Charlotte -that's all I got to say." Respondent further commented, "Remember the good old days when 'guys' like this would get their asses kicked at school."

The panel also found that Respondent committed misconduct with a frivolous lawsuit against Armstrong's attorney, Deborah Gordon. Count Two of the formal complaint alleged that Respondent's conduct in the *Shirvell v Gordon* lawsuit resulted in numerous violations under the Michigan Rules of Professional Conduct. In 2011, while the Armstrong litigation was pending in the U.S. District Court for the Eastern District of Michigan, Respondent initiated a separate suit, a three-count complaint against Gordon which consisted of: (i) tortious interference with a business relationship; (ii) defamation; and, (iii) false light invasion of privacy.

Currently, the parties are awaiting the panel's decision as to the sanction.

Senior Associate Counsel: Stephen P. Vella

Petition for Reinstatement of Lamont M. Walton, ADB Case No. 14-112-RP

In ADB Case No. 06-51-GA, Lamont Walton was retroactively suspended from the practice of law for 35 months for misappropriation of funds entrusted to him as a fiduciary of a non-profit organization. At the time, he had a cocaine addiction. The date of the order of suspension was June 5, 2009, effective on June 27, 2009, but the period of suspension began retroactively on July 1, 2006. While the disciplinary case was pending, but before the order of suspension was entered, in March 2007, Petitioner applied for admission to the State Bar of Illinois, without examination, based on his then good-standing with the State Bar of Michigan. After the June 5, 2009 order of suspension was issued, Petitioner asserted that he sent it to the Illinois Board of Admissions to the Bar (IBAB). He did not inform the IBAB that he remained suspended until he successfully petitioned the Michigan Attorney Discipline Board for reinstatement pursuant to MCR 9.124. There was no such reinstatement requirement in Illinois. Petitioner was conditionally admitted to practice law in Illinois on March 18, 2011. The probationary period was lifted on April 2, 2013. There was also evidence of domestic abuse committed by Petitioner in January 2014, as well as in prior years. The hearing panel denied the Petition for Reinstatement on March 29, 2016, Petitioner appealed to the Board, and the

matter is currently pending for a Board decision.

Petition for Reinstatement of William C. Roush, ADB Case No. 15-36-RP

In ADB Case No. 13-130-JC, on March 3, 2015, the Attorney Discipline Board increased the hearing panel's order of suspension of William Roush's license to practice law from 133 days to 180 days. His suspension was based on an August 27, 2011 incident which resulted in a July 2013 misdemeanor conviction of aggravated indecent exposure. Following the conclusion of the reinstatement hearing, the panel reopened the record for acceptance of further testimony of medical professionals on the topic of Petitioner's sexual addiction condition. Following the depositions of expert psychiatrists who testified for Petitioner and the Grievance Administrator, the panel denied Petitioner's reinstatement to the practice of law, pursuant to a two to one decision, which included a dissenting opinion. On appeal, the Board reversed the majority and adopted the dissenting opinion, finding that Petitioner met his burden to be reinstated to the practice of law pursuant to MCR 9.124.

Senior Associate Counsel: Rhonda S. Pozehl

Grievance Administrator v David J. Gorosh, ADB Case No. 16-15-GA

Respondent was retained to defend an individual against criminal charges arising out of a collision resulting in the death of a police officer who was operating a motorcycle. In a separate matter, Respondent was retained to defend an individual against criminal charges of larceny in a building and financial transaction device, stealing, retaining without consent. As to each of the cases, despite having been paid retainer fees and having notice of the proceedings Respondent failed to appear for scheduled hearings in the matter, including show cause hearings regarding his repeated failures to appear. Respondent also failed to communicate with his clients, the prosecutors and the courts. Respondent failed to answer a request for investigation filed by one of the clients and failed to answer each request for investigation filed by the presiding judges in the matters. Respondent was disbarred and ordered to pay restitution in the total amount of \$15,000.

Grievance Administrator v Thomas O. Mix, Jr., ADB Case No. 16-75-JC

Respondent and the Grievance Administrator filed a stipulation containing Respondent's admission that he was convicted of larceny in a building, a felony, and contempt of court for failure to appear at his probation violation hearing. In accordance with the stipulation of the parties, the hearing panel ordered that Respondent be disbarred.

Senior Associate Counsel: Frances Rosinski

Grievance Administrator v Ali S. Zaidi, ADB Case No. 14-117-GA

Respondent was disbarred for lying on his resume, and in his online advertisements about his law firm, where he was admitted, where he had worked in the past, and he even falsely claimed to have participated on a U.S. Olympic team. In disbaring Respondent, the Board stated in its opinion of January 11, 2017 that, "Respondent did not misspeak, commit scrivener's errors, or even simply "fudge the truth" once or twice. Rather, his misrepresentations ran the gamut from outlandish and extravagant to what might be termed modifications of his record inspired by some actual events." The Board concluded that, "Collectively, Mr. Zaidi's actions are indicative of a cumulative pattern of a lack of honesty and candor, which is contrary to the fundamental characteristics of an attorney. Although respondent does not have any prior discipline, there is no question he has an established track record of deceit. Given the number and pattern of violations, respondent's dishonesty, and his overall lack of candor and cooperation, the panel properly found that disbarment is appropriate in this case."

Grievance Administrator v Charles T. Busse, ADB Case No. 16-99-GA

On November 3, 2016, Respondent was convicted, by guilty plea, of conspiracy to defraud the United States, bribery of a public official, tax evasion, and failure to report currency transactions of more than \$10,000 in the United States District Court for the Eastern District of Michigan. He was automatically suspended upon those convictions. A formal complaint was also filed against Respondent arising out of his representation of several immigration clients, two clients in a Liquor Control Commission appeal, and one client in a criminal matter. Respondent agreed to a consent discipline consisting of a disbarment for multiple ethical violations including failing to render competent representation, neglect, failing to seek his clients' lawful objectives, lack of diligence, failing to adequately communicate with clients, charging or collecting excessive fees, failing to refund unearned fees, entering into impermissible business or pecuniary relationships with his clients, knowingly making a false statement of law to a tribunal, engaging in disrespectful conduct toward persons involved in the legal process, sharing legal fees with a nonlawyer, engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation, and engaging in conduct that is prejudicial to the administration of justice.

Senior Associate Counsel: Emily A. Downey

Grievance Administrator v Geoffrey L. Craig, ADB Case No. 14-123-GA

A Formal Complaint was filed against Respondent charging him with neglect, lack of diligence, knowingly disobeying an obligation under the rules of a tribunal, failing to notify a client or third person when funds in which the client or third person has an interest are received, failing to promptly pay or deliver funds that a client or third person is entitled to receive, and engaging in dishonest conduct. Respondent had been conservator for his

father. He failed to file accountings and inventories. The court suspended his fiduciary powers. He failed to turn over conservatorship funds in the amount of approximately \$62,500. The court entered a surcharge against Respondent and the surety company. The surety company paid the surcharge. Respondent did not pay any of the surcharge nor did he indemnify the surety company for any of the surcharge paid.

Respondent did not file an answer to the Formal Complaint. A default was entered against Respondent, but he did appear at the hearing. The hearing panel ordered that Respondent be suspended for 180 days and pay restitution in the amount of \$62,500. The Grievance Administrator appealed the discipline, arguing that the Hearing Panel imposed insufficient discipline and that disbarment is warranted for Respondent's conversion of funds. Oral argument was held in April of 2016. The Board has not yet issued a decision.

Grievance Administrator v Stuart Lee Sherman, ADB Case No. 15-89-GA

A Formal Complaint was filed against Respondent charging him with knowingly disobeying an obligation under the rules of a tribunal, failing to promptly pay or deliver funds that a client or third person is entitled to receive, and engaging in dishonest conduct. Respondent represented the trustee of three trusts. After the court made a verbal ruling that no additional attorney fees were to be paid, but before the court issued a written decision, Respondent instructed his assistant to back date deposit slips and deposit approximately \$394,000 in funds from the trustee that had just been received at his office. He did not disclose this information to the court. Respondent later took approximately \$112,000 from his firm's account as funds to which he believed he was entitled as compensation. The Hearing Panel found that Respondent deceived the judge and violated the court's order. The Panel did not find that Respondent violated any rules when he took the \$112,000 from the firm. The matter is currently scheduled for a sanctions hearing.

Grievance Administrator v Bradley F. Hubbel, ADB Case No. 16-81-RD

This matter involved a reciprocal discipline. The Ohio Supreme Court found that Respondent attempted to solicit sexual activity with a client. The court issued a six month stayed suspension, conditioned on him committing no further misconduct during that time period. Respondent and the Grievance Administrator filed a stipulation for consent order of discipline for a reprimand. The stipulation contained the parties' agreement that MCR 9.106 outlines the types of discipline in Michigan and that a stayed suspension is not included in the types of discipline. The parties stipulated that a reprimand constituted comparable discipline in this matter. The Board accepted the stipulation and ordered that Respondent be reprimanded.

Senior Associate Counsel: Kimberly L. Uhuru

Grievance Administrator v Neil McQuarrie, ADB Case No. 15-94-GA

Respondent was disbarred effective December 7, 2016 for misappropriation of \$39,076.16 from a probate estate. Respondent was appointed by the court to safeguard the funds of an 8-year-old minor whose father died in a car accident. Respondent used the funds to pay personal expenses including tax liens and civil judgments. Respondent also filed false accountings with the court and filed a false receipt indicating that the minor (now an adult) had appeared at Respondent's office and received full payment in cash. In addition to disbarment, the panel ordered that Respondent pay full restitution of the misappropriated funds and be required to reimburse the victim for costs and attorney fees associated with filing a surcharge proceeding in probate court.

Grievance Administrator v Cynthia Lardner, ADB Case No. 15-132-GA

Respondent was suspended 180 days effective April 27, 2016 for criminal conduct. Respondent was convicted of disorderly conduct after engaging in a physical altercation with Macomb County sheriff deputies. The deputies were trying to remove Respondent from a court room after a hearing and she refused to leave. Respondent later failed to appear for several court hearings in the matter and a bench warrant was issued for arrest. Respondent remains suspended. She is required to undergo a psychological examination prior to being reinstated.

Grievance Administrator v John MacDonald, ADB Case No. 15-110-GA

Respondent was disbarred effective April 11, 2016 for misappropriation of a client's \$15,000 settlement check. Respondent also failed to file a divorce proceeding and failed to refund the client's \$1980 retainer. Respondent fully repaid both clients as a condition of the discipline.

Senior Associate Counsel: Dina P. Dajani

Grievance Administrator v John C. Schultes, ADB Case No. 16-43-GA

Tri-County Hearing Panel #28 issued an Order of Disbarment and Restitution with Condition, effective November 2, 2016. In his capacity as the successor trustee of his clients' (a married couple) trust, Respondent embezzled more than \$200,000 and used the money for his personal benefit. One of the beneficiaries of the trust had inquired about the tax return, to which Respondent was not responsive. Following the initiation of a probate court matter in the Macomb County Probate Court, the probate judge removed Respondent as the trustee and ordered an accounting. A review by the beneficiary of the relevant bank records revealed the conversion of the trust funds by Respondent. The hearing panel ordered Respondent to make restitution consistent with the amount ordered by the probate judge.

Senior Associate Counsel: John K. Burgess

Grievance Administrator v Meier, ADB Case No. 16-43-GA

In a three-count Formal Complaint, Respondent was found to have committed misconduct based on a pattern of neglect, incompetence, lack of diligence, and making false and misleading statements to his clients. Respondent was suspended for a period of two years, a very significant discipline. This matter was significant as Respondent had previously successfully used non-refundable fee agreements to shield himself from discipline in prior cases involving similar fact patterns. In this matter, the Panel became convinced that Respondent was essentially engaging in “fraudulent” practices by accepting non-refundable fees without the actual intent to perform competent legal services. The case is still under appeal at this time.

Grievance Administrator v Ruza, ADB Case No. 16-11-JC

Respondent had been convicted of multiple counts of false pretenses for accepting advanced fees to assist with mortgage foreclosure and refinance matters, on cases in which the clients likely did not need an attorney to accomplish their objectives or could not accomplish their objectives even with counsel. This office worked closely with the office of the Attorney General to secure the revocation of Respondent’s law license and obtain a comprehensive order of restitution for the victims of Respondent’s conduct.

Grievance Administrator v Marvin Barnett, ADB Case Nos. 16-97-GA, 16-118-GA, Wayne Circuit Court Case No. 16-013819-P2

Respondent was suspended for three years effective in October, 2015. After the date of his suspension, evidence came to light that Respondent was still engaging in the practice of law, or was, at a minimum, holding himself out as an attorney contrary to the terms of his suspension. A decision was made to file a Formal Complaint against Respondent, and to file a contempt action in Circuit Court to protect the public and possibly obtain an injunction.

In the contempt action, this office sought and obtained an Order prohibiting Respondent from holding himself out as an attorney and having contact with clients or potential clients during the period of his suspension. This Order is significant, because if Respondent violates the Order with any new or existing clients, he is violating a Circuit Court Order, not just a disciplinary Order, and would likely subject himself to monetary sanctions and possible imprisonment.

Associate Counsel: Charise L. Anderson

Grievance Administrator v Matthew R. Miller, ADB Case Nos. 16-51-GA, 16-52-JC

On December 15, 2016, an Order of Suspension and Restitution was issued in this matter, suspending Respondent from the practice of law for two years. On July 28, 2016, a hearing was held at which six complainants testified at the request of the panel. The panel issued its December 2016 Report and concluded, among other things, that Respondent collected retainers from each complainant, and then performed little to no work, failed to communicate with them, misrepresented the status of the clients' matters, causing all to suffer serious injury including but not limited to, court sanctions and the loss of child custody. The panel also concluded that Respondent failed to return the unearned fees as requested by the clients and knowingly made a false statement of material fact in connection with a disciplinary matter by representing that an unearned fee had been returned when in fact, it had not. Respondent was ordered to pay restitution to six complainants in the total amount of \$15,600.00.

Associate Counsel: Sarah C. Lindsey

Grievance Administrator v Wilfred Eric Steiner, ADB Case Nos. 16-78-GA, 16-79-JC

On December 16, 2016, an Order of Disbarment and Restitution was issued in this matter. After a hearing was held on September 19, 2016, the panel determined that in order to protect the public, an interim order immediately suspending Respondent's license was necessary. In its December 2016 Report, the hearing panel concluded, among other things, that Respondent forged a court document in order to gain an advantage for a client in a custody dispute, misused client funds and failed to place unearned fees in a trust account, knowingly deceived clients with the intent to benefit himself, and caused serious injury to clients, not only because they lost money, but in some cases, they had judgments entered against them or bankruptcy cases dismissed. Respondent was ordered to pay restitution to seven complainants in the total amount of \$21,848.50.

Prosecutions and Other Litigation

A. Proceedings before Hearing Panels of the Attorney Discipline Board.

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 three volunteer lawyers appointed by the ADB. Upon the conclusion of the hearing, the panel must issue an order dismissing the complaint or imposing public discipline, which may include probation, reprimand, license suspension or disbarment. The Grievance Administrator filed **85** formal complaints in 2016, compared to 85 filed in 2015. Appendix A (page 18) includes a 10-year comparison of the formal complaints filed with the Attorney Discipline Board.

The Grievance Administrator is also 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 to initiate a JOC proceeding for a misdemeanor conviction. The Administrator filed **31** new matters in 2016 based on an attorney's criminal convictions, compared to **31** convictions filed in 2015.

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 9.120(C). 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. Reciprocal proceedings were instituted in **6** cases in 2016, compared to **0** in 2015.

The Grievance Administrator is also a participant in ADB reinstatement proceedings initiated by attorneys who have been suspended for more than 180 days in accordance with MCR 9.124(C). The burden of proof is on the attorney to establish his or her fitness by clear and convincing evidence. In those cases, the Grievance Administrator must conduct an investigation and file a written report with the hearing panel. The Grievance Administrator may contest the petitioner's eligibility for reinstatement. Three (**3**) state reinstatement petitions were filed in 2016, compared to **15** in 2015.

The Grievance Administrator may seek an order from the ADB declaring that an attorney is incapacitated to continue the practice of law because of mental or physical infirmity or disability, or because of addiction to drugs or intoxicants, either by filing proof that the attorney has been judicially declared incompetent or by alleging incapacity in a complaint to be adjudicated by a hearing panel. The Grievance Administrator instituted **1** such proceedings in 2016, compared to **6** in 2015. In addition, there were **8** miscellaneous filings with the ADB.

B. Appeals and Other Proceedings.

Review by the Attorney Discipline Board:

The Grievance Administrator, as well as the Respondent attorney and the complainant, may file a petition with the Attorney Discipline Board seeking review of the hearing panel's decision. During the year 2016, the ADB ruled on **24** petitions for review following briefing and oral arguments presented by the Grievance Administrator and the Respondent. The Grievance Administrator, the Respondent, and the complainant may appeal a decision by the Attorney Discipline Board to the Supreme Court which may, in its discretion grant leave to appeal.

Appeals to the Supreme Court:

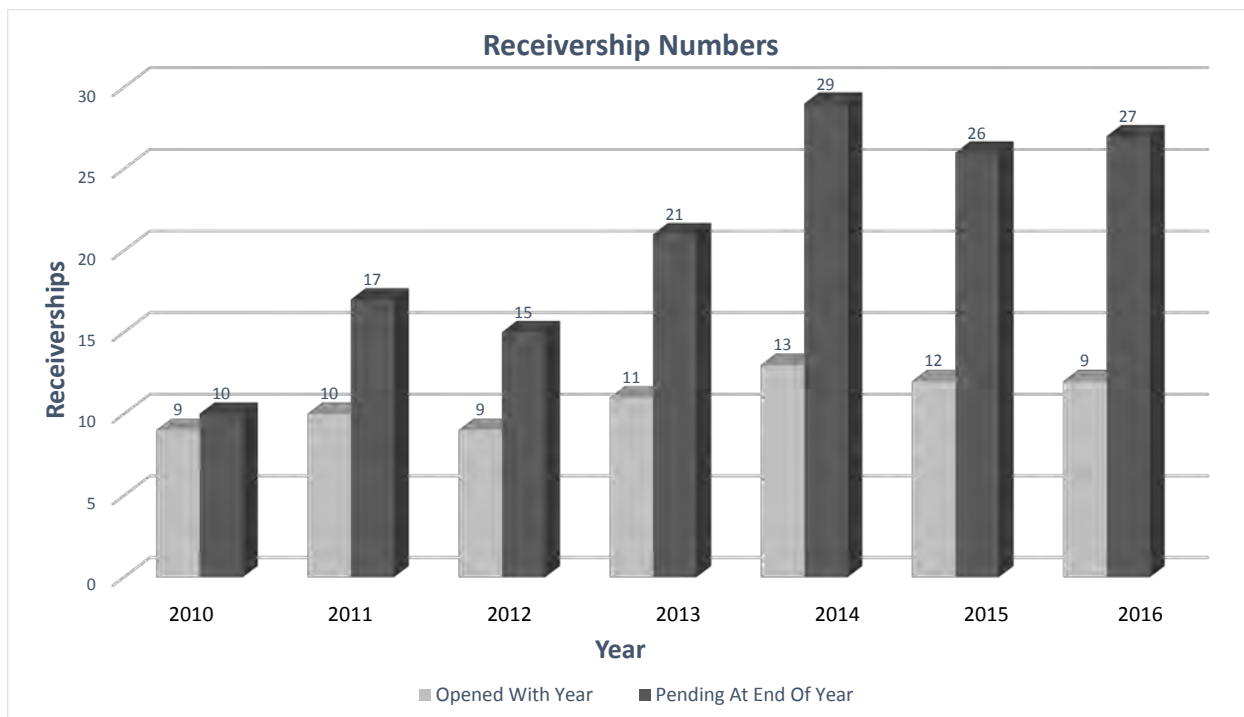
The Grievance Administrator is a party in complaints for superintending controls filed with the Michigan Supreme Court by complainants who disagree with the decisions of the Grievance Administrator or the Commission to reject or close an investigative file. The Grievance Administrator filed an appearance in **8** matters filed with the Supreme Court in 2016. In addition to the complaints for superintending control filed, there were **5** applications for leave to appeal with the Supreme Court and **2** miscellaneous matters.

Reconsideration:

Apart from the formal review or appeal processes, the Grievance Administrator has a long-standing policy of accepting requests for reconsideration of files dismissed through the Intake Unit. This process acts as a quality control measure while providing further accountability to complainants. Upon the receipt of a request for reconsideration, a senior attorney will review the file and determine whether an issue or a relevant fact was overlooked by the Intake Unit, or whether new information has been provided that could change the analysis or outcome of the matter. If such information is provided, the file may be reopened for further investigation.

Receiverships:

Under MCR 9.119(G), if an attorney leaves the practice of law (whether or not for disciplinary reasons), disappears, or is deceased and there is no person capable of conducting the attorney's affairs, the Grievance Administrator may file a petition for receivership with the circuit court in the county where the attorney maintained his or her office. In those cases, the Grievance Administrator acts as receiver, or co-receiver with the assistance of a local attorney, and must undertake a work-intensive process that includes cataloging and prioritizing the abandoned files, contacting clients, courts and opposing parties if there is a pending matter, and taking other action in order to protect the interests of clients. The Grievance Administrator opened **9** new receivership files in 2016, compared to **12** new receivership files in 2015. **11** receiverships were closed during the year 2016 compared to **15** in 2015. **27** open receivership files were pending at the end of 2016 compared to **26** 2015.



Federal Court Proceedings:

The Grievance Administrator may be requested to participate in discipline or reinstatement proceedings in a federal district court. For example, the District Court of the Eastern District of Michigan regularly appoints the Grievance Administrator as an interested party in reinstatement proceedings involving lawyers who have been suspended from practice under the local rules of that court. In 2016, the Administrator appeared in **11** discipline or reinstatement proceedings conducted in the U.S. District Court for the Eastern District.

Pro Hac Vice Administration:

Under the provisions of MCR 8.126, the AGC was tasked with processing requests for temporary admission in Michigan by out-of-state attorneys on a pro hac vice basis. In 2016, each pro hac vice applicant was required to file the proper documentation along with a fee of \$105 (a fee equal to the discipline and client protection portions of the annual dues paid by a Michigan attorney). For each applicant, the AGC must, within 7 days, determine whether the applicant has been granted limited admission in the last 365 days and provide that information to the appropriate court, administrative agency, or tribunal. In 2016, the AGC processed **274** pro hac vice motions with total costs charged to the applicants in the amount of **\$28,650**. The AGC's involvement in processing pro hac vice Motions ended on May 1, 2016. The State Bar of Michigan now processes pro hac vice motions.

Funding

The Attorney Grievance Commission receives no public funds. The Commission and the Attorney Discipline Board are funded primarily from the discipline portion of the mandatory dues paid by all active members of the State Bar of Michigan. In 2016, annual dues for active members were **\$285**, of which **\$90** was specifically allocated to the two discipline agencies. For the fiscal year, which ended September 30, 2016, the combined operating expenses of the Attorney Grievance Commission and the Attorney Discipline Board were **\$5,119,688** The Attorney Grievance Commission's operating expenses for the fiscal year 2016 were **\$4,029,813**.

Contact Information

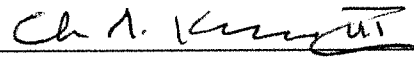
For further information regarding the Attorney Grievance Commission, please contact:

Attorney Grievance Commission
535 Griswold St., Suite 1700
Detroit, MI 48226-3259
Telephone: (313) 961-6585

www.agcmi.org



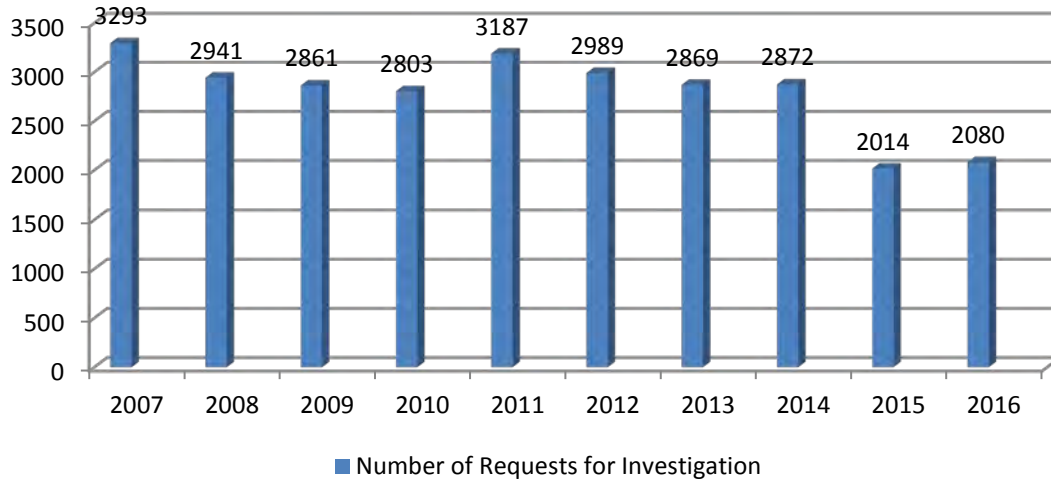
Alan M. Gershel
Grievance Administrator



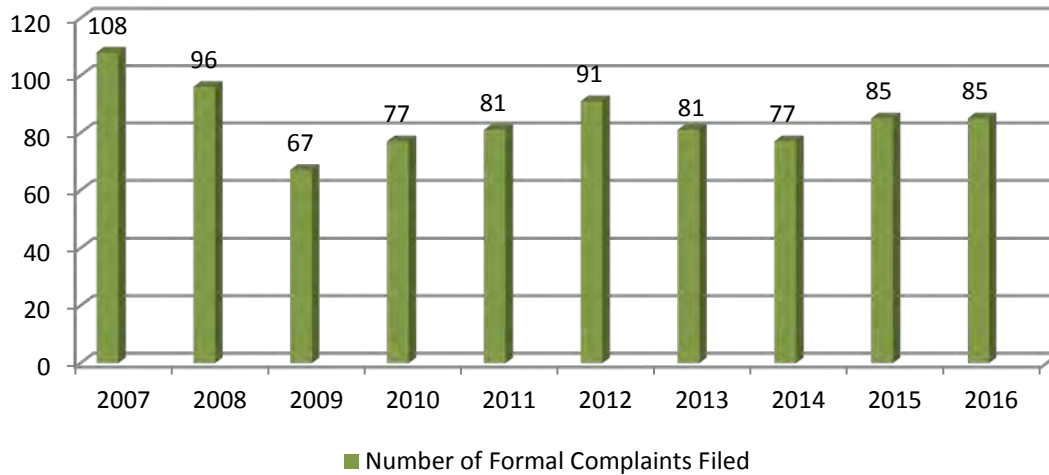
Charles S. Kennedy III
Chairperson, AGC

Appendix A

2007-2016 AGC 10-Year Comparison Chart Requests for Investigation



2007-2016 AGC 10-Year Comparison Chart Formal Complaints Filed



Appendix B

Attorney Grievance Commission Comparative Statement of Expense 2016 and 2015

Salaries	\$ 2,234,132.00	\$ 2,192,266.00
One Time Distribution (.5%)	\$ 454.00	\$ 10,961.00
Payroll Taxes	\$ 170,712.00	\$ 168,547.00
Employee's Insurance	\$ 440,000.00	\$ 440,000.00
Retiree Health Care	\$ 211,915.00	\$ 211,915.00
Pension Contributions	\$ 306,150.00	\$ 326,150.00
Rent	\$ 154,656.00	\$ 160,800.00
Electricity	\$ 15,510.00	\$ 15,510.00
Parking	\$ 5,000.00	\$ 5,000.00
State Bar Bookkeeping Fee	\$ 31,540.00	\$ 32,486.00
Payroll Processing Fee	\$ 10,700.00	\$ 11,021.00
Witness and Subpoena Fees	\$ 46,690.00	\$ 46,690.00
Receivership Expenses	\$ 10,000.00	\$ 10,000.00
Machine Rental	\$ 40,920.00	\$ 45,920.00
Meetings	\$ 4,700.00	\$ 5,200.00
Travel	\$ 22,000.00	\$ 22,000.00
Telephone	\$ 14,000.00	\$ 14,000.00
Books, Dues and Subscription	\$ 15,500.00	\$ 16,000.00
Office Supplies	\$ 30,000.00	\$ 30,000.00
Printing and Stationery	\$ 4,000.00	\$ 4,000.00
Postage	\$ 38,000.00	\$ 30,000.00
Directors and Officers Insurance	\$ 42,368.00	\$ 44,063.00
Liability Insurance	\$ 5,252.00	\$ 5,462.00
Technology Expenses	\$ 30,000.00	\$ 30,000.00
Repairs and Maintenance	\$ 14,000.00	\$ 15,000.00
Dues	\$ 5,900.00	\$ 5,900.00
Continuing education	\$ 4,000.00	\$ 8,000.00
Capital (office) Expenditures	\$ 25,000.00	\$ 25,000.00
Miscellaneous	\$ 3,000.00	\$ 3,000.00
Total	\$ 3,936,099.00	\$ 3,934,891.00
Depreciation	\$ 44,371.00	\$ 50,000.00
Total	\$ 3,980,016.00	\$ 3,984,891.00

2016

State of Michigan Attorney Discipline Board

ANNUAL REPORT
JANUARY 1, 2016 - DECEMBER 31, 2016

ATTORNEY DISCIPLINE BOARD
211 W. FORT STREET, SUITE 1410
DETROIT, MI 48226-3236
(313) 963-5553 TELEPHONE
(313) 963-5571 FAX
www.adbmich.org

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BOARD MEMBERS

LOUANN VAN DER WIELE
CHAIRPERSON

REV. MICHAEL MURRAY
VICE-CHAIRPERSON

DULCE M. FULLER
SECRETARY

JAMES A. FINK

JOHN W. INHULSEN

JONATHAN E. LAUDERBACH

BARBARA WILLIAMS FORNEY

KAREN D. O'DONOGHUE

MICHAEL B. RIZIK, JR.

BOARD STAFF

MARK A. ARMITAGE
EXECUTIVE DIRECTOR &
GENERAL COUNSEL

WENDY A. NEELEY
DEPUTY DIRECTOR &
ASSOCIATE COUNSEL

SHERRY MIFSUD
OFFICE ADMINISTRATOR

JENNIFER M. PETTY
PARALEGAL/WEBMASTER

ALLYSON M. PLOURDE
CASE MANAGER

OWEN MONTGOMERY
CASE MANAGER

JULIETTE M. LOISELLE
RECEPTIONIST

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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.

On September 30, 2016, Lawrence G. Campbell, of Detroit, and Rosalind E. Griffin, M.D., of Farmington Hills, each completed their second terms as members of the Board. Mr. Campbell served as the Board's Vice-Chairperson from October 1, 2014 to September 30, 2016. Dr. Griffin, a nonlawyer, served as Secretary from October 1, 2010 to September 30, 2012. The public, the courts and the legal profession have benefitted from the significant contributions of time and talent made by these two dedicated professionals, as well as from the experience and insights drawn from their respective fields. They will be missed by their colleagues on the Board and by its staff.

Lawyer member Michael B. Rizik, Jr., of Grand Blanc, and non-lawyer member Karen D. O'Donoghue, of Detroit, were appointed by the Supreme Court to terms ending September 30, 2019. Biographical information for the nine members of the Attorney Discipline Board may be found in Appendix E of this report.

The Board's Chairperson and Vice-Chairperson are appointed to one-year terms by the Michigan Supreme Court. The Board's Secretary is elected by its members. The Board's officers for one year terms ending September 30, 2017, are: Louann Van Der Wiele, of Grosse Pointe Shores, Chairperson; Reverend Michael Murray, of Lansing, Vice-Chairperson; and Dulce M. Fuller, of Birmingham, 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, for most of 2016, consisted of: Mark A. Armitage, Executive Director and General Counsel; Wendy A. Neeley, Deputy Director and Associate Counsel; Sherry Mifsud, Office Administrator; Jennifer M. Petty, Paralegal/Webmaster; Allyson M. Plourde, Case Manager; Owen Montgomery, Case Manager; and Juliette M. Loiselle, Receptionist.

In November, the Board's paralegal and webmaster concluded 17 years of dedicated service and Karen M. Daley was hired as an Associate Counsel to the Board.

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 approximately 400 attorneys appointed annually to serve on three-member hearing panels. Hearing panelists are currently located in 36 of Michigan's 83 counties. The 2016 hearing panelist roster is attached as Appendix F. The Board seeks to appoint attorneys as panel members with diverse backgrounds and who represent a broad range of professional experience. Further information regarding the role of hearing panelists, the rules regarding their appointment and disqualification and the panelist application form are available on the ADB website: www.adbmich.org.

HEARING PANEL PROCEEDINGS

Complaints submitted 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.

Proceedings before the Attorney Discipline Board or its hearing panels may also be commenced with the filing by the Grievance Administrator of a judgment showing the conviction of a Michigan attorney, the filing of a notice of discipline in another jurisdiction, a petition for transfer of an incapacitated attorney to inactive status, or a petition seeking to increase discipline for violation of a prior order of discipline. Also, attorneys who have been disbarred or suspended for 180 days or longer must petition for reinstatement.

Upon the commencement of a proceeding 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 2016, hearing panels conducted 101 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 disbarment (revocation of the license to practice law).

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 or other party. The Board collected assessed costs of \$97,485 from disciplined lawyers in 2016. 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.

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

BOARD REVIEW & OTHER ACTIONS

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. Hearing panel decisions are reviewed 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, remanding 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 also regularly considers and disposes of petitions for interlocutory review, various motions for reconsideration as well as motions seeking stays of discipline, requests for payment plans and 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. Additionally, the Board or its chairperson considers motions to disqualify hearing panelists or panels,

for extensions of time to file briefs, for adjournments, and appoints counsel in incompetence cases.

The Board took the following actions in 2016 in connection with review proceedings initiated pursuant to MCR 9.118 or in accordance with its other duties:

BOARD ACTIONS 2016	
Affirmed Hearing Panel Order of Suspension	3
Affirmed Hearing Panel Order of Reprimand	1
Modified Hearing Panel Order of Suspension	1
Affirmed Hearing Panel Denial of Reinstatement	1
Remanded to Hearing Panel	1
Denied Reconsideration	5
Dismissed Petition for Review	5
Granted Delayed Petition for Review	1
Granted or Denied Petitions for Interlocutory Review	6
TOTAL:	24

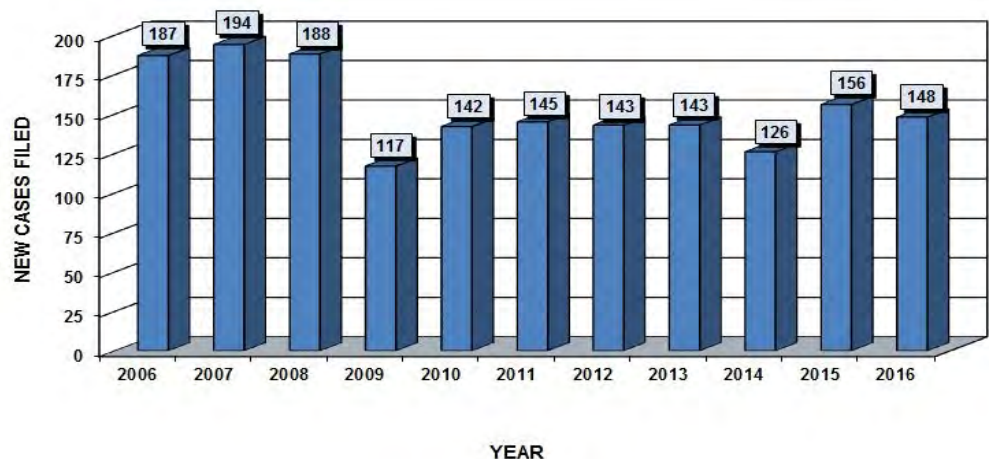
NEW CASES FILED

There were 85 new formal complaints filed in 2016 containing original charges of misconduct following an investigation by the Attorney Grievance Commission.

Thirty-one 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. Six petitions for the imposition of reciprocal discipline (based on discipline in another jurisdiction) were filed. In addition, the Grievance Administrator filed eight petitions seeking enforcement of an earlier order for discipline and one petition seeking an attorney’s transfer to inactive status. Three petitions for reinstatement in accordance with MCR 9.123(B) and MCR 9.124 were filed in 2016 by attorneys suspended for 180 days or more.

The Board opened 148 new files in 2016. The following table (Table 1) illustrates the Board’s annual intake of new cases since 2006.

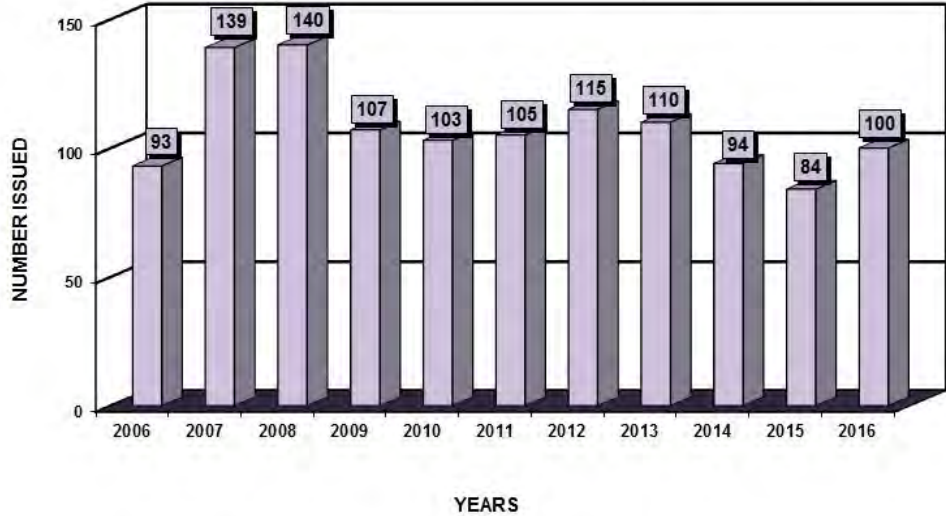
Table 1 - New Cases Filed, 2006 - 2016



FINAL DISPOSITIONS

The Attorney Discipline Board issued 119 final disposition orders in 2016, including orders of discipline, orders of dismissal, orders granting or denying reinstatement, and orders for transfer to inactive status. Discipline orders (disbarment, suspension, reprimand, probation or orders of “no discipline”) were issued in 100 cases. A complete list of the orders of discipline issued in 2016 appears in Appendix C. Orders of discipline issued since 2006 are illustrated in Table 2, below.

Table 2 - Discipline Orders Issued, 2006 - 2016



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 a respondent attorney to admit or plead no contest to the charges in the complaint 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-five consent orders of discipline were finalized in 2016, accounting for 55% of all final orders of discipline.

Consent orders were finalized in the following discipline categories in 2016:

Type of Discipline	Consent Orders	Total Discipline Orders	% By Consent
Disbarment	6	21	29%
Suspension (3 years or more)	1	5	20%
Suspension (180 days < 3 years)	9	21	43%
Suspension (30-179 days)	20	31	65%
Reprimand	19	22	86%

TYPES OF MISCONDUCT RESULTING IN DISCIPLINE

A summary of the rule violations found in the panel reports and Board orders and opinions accompanying final discipline orders in 2016 is included in this report as Appendix B. The format of this chart differs from that in previous annual reports. Previous summaries categorized cases closed in the relevant year by the predominant nature of the misconduct and the resulting discipline. In order to provide a more complete picture of the types of misconduct found in a given year, each case is no longer categorized as involving only one type of misconduct. The new format contains a numerical count of each rule violation found in cases in which final discipline orders were issued during 2016. Thus, if one were to total the number of violations, it would exceed the number of final discipline orders issued because most cases involve the violation of more than one rule.

As in previous years, “neglect” and related misconduct is one of the largest categories of the types of misconduct found in 2016. This category includes violations of MRPC 1.1 - 1.4, which rules encompass prohibitions against failing to provide legal representation competently (MRPC 1.1(a)) or with adequate preparation (MRPC 1.1(b)), neglecting a matter (MRPC 1.1(c)), failing to pursue the lawful objectives of a client (MRPC 1.2(a)) or to do so with reasonable diligence and promptness (MRPC 1.3), and failing to keep a client reasonably informed about the status of a matter and otherwise communicate with the client in accordance with MRPC 1.4. Some of the most common findings in this category in 2016 include 26 instances of failing to proceed with reasonable diligence and promptness (MRPC 1.3), 25 violations of the rule prohibiting neglect (MRPC 1.1(c)), and 24 violations of the rule requiring a lawyer to keep a client reasonably informed about his or her matter (MRPC 1.4(a)), along with 16 instances of failure to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation (MRPC 1.4(b)).

Failure to answer a request for investigation in conformity with MCR 9.113 or a formal complaint in accordance with 9.115(D) is another common type of misconduct. Violation of MCR 9.104(7) (requiring such answers) was found in 17 cases. A specific violation of 9.113(B)(2) (failure to answer a request for investigation) was found in 15 cases (some of which may overlap with the MCR 9.104(7) violations).

Criminal conduct, prohibited under MCR 9.104(5), also occurs with some regularity. Misdemeanors resulted in discipline orders in 16 cases. Felonies also led to discipline orders in 16 cases. In two cases, criminal conduct without a conviction was found. Again, some of these cases may overlap because some attorneys may have committed a felony and a misdemeanor. In cases involving a lawyer’s felony conviction, the lawyer was subject to an automatic interim suspension, effective the date of conviction and until the entry of a final order by a hearing panel. See MCR 9.120(B)(1). Discipline was ordered for 19 lawyers convicted of driving while intoxicated or similar offenses.

MRPC 1.15 sets forth several requirements for the proper maintenance of lawyer trust accounts and a lawyer’s general duties pertaining to safekeeping of property (including funds) of clients and third persons. In 2016, two orders of discipline involved findings that a lawyer failed to promptly notify the client or third person when funds or property in which a client or third person has an interest is received (MRPC 1.15(b)(1)). Also, two orders of discipline involved findings that a lawyer failed to preserve complete records of such account funds and other property for a period of five years after termination of the representation in violation of MRPC 1.15(b)(2). Eight violations of the rule requiring a lawyer to promptly pay or deliver funds or property or render an accounting regarding such property on request (MRPC 1.15(b)(3)) were found. Three instances of failure to properly handle property held by a lawyer about which there is a dispute (MRPC 1.15(c)) occurred. There were 20 cases in

which violations of the duty to keep the property of clients or third persons separate from the lawyer's own (MRPC 1.15(d)) was found. Sixteen orders of discipline involved violations of the rule prohibiting a lawyer from depositing his or her own funds into client trust accounts in an amount greater than is reasonably necessary to pay (or obtain the waiver of) financial institution service charges or fees (MRPC 1.15(f)). Finally, six cases involved withdrawal of legal fees or expenses paid in advance from a trust account before the fees were earned or the expenses were incurred (MRPC 1.15(g)).

In 21 matters, there was a finding that a lawyer failed to return unearned fees or otherwise take reasonable steps to protect a client's interests upon termination of representation (MRPC 1.16(d)).

Again, these and other violations are set forth in 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-one attorneys were automatically reinstated under this rule in 2016. In cases of disbarment 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 recertification by the State Board of Law Examiners.

Three reinstatement petitions were filed with the Board and assigned to panels in 2016 for hearing. The Board or its panels issued two orders reinstating attorneys whose licenses had been suspended. Five reinstatement petitions were denied.

PENDING CASELOAD

As of December 31, 2016, there were a total of 104 open discipline or reinstatement cases pending before a hearing panel, the Attorney Discipline Board or the Michigan Supreme Court.

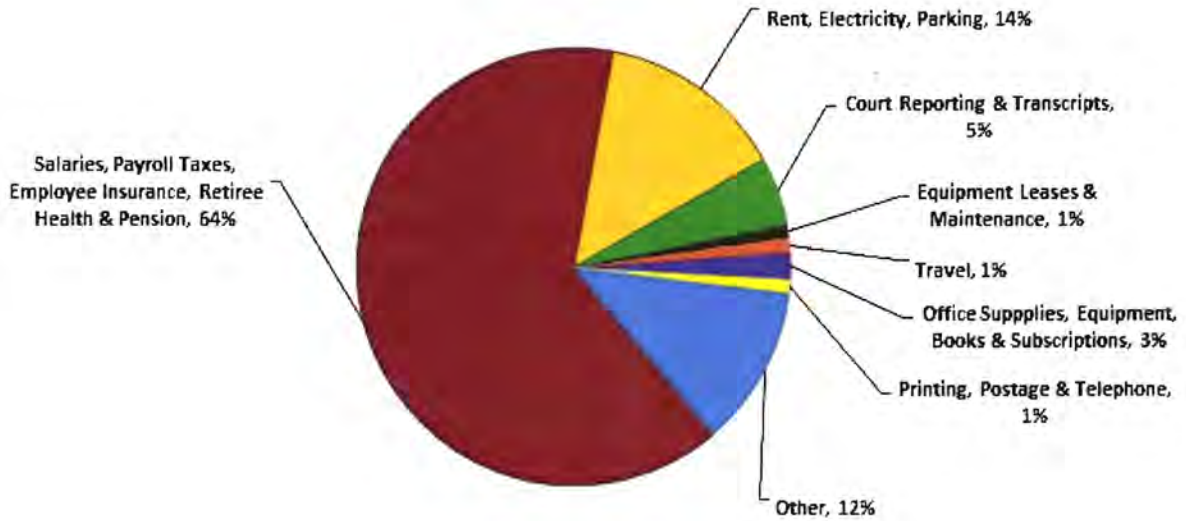
Year-End Caseloads 2015 - 2016

	Pending 12-31-15	Pending 12-31-16
Supreme Court	3	1
Attorney Discipline Board	12	19
Hearing Panel	82	84
Total:	97	104

FUNDING AND EXPENSES

The Attorney Discipline Board receives no public funds. Michigan's Attorney Discipline System (the Attorney Discipline Board and Attorney Grievance Commission) is funded primarily 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, annual dues for active members are \$285, of which \$90 (32%) is specifically allocated to the Attorney Discipline System. For the fiscal year which ended September 30, 2016, the combined operating expenses of the Attorney Discipline Board and the Attorney Grievance Commission were \$5,019,204. The Attorney Discipline Board's operating expenses in FY 2015-2016 were \$1,115,658. A chart summarizing the Board's expenses for 2015-2016 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.

Table 3 - ADB Expenses 2015-2016 Fiscal Year



WEBSITE

The Attorney Discipline Board's website can be found at www.adbmich.org. The site includes the disciplinary history of all attorneys disciplined in Michigan since October 1, 1978; a searchable database of the full text of all Attorney Discipline Board opinions, 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. The Board's website also provides 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
Website: www.adbmich.org

Mark A. Armitage, Executive Director

Louann Van Der Wiele, Chairperson

APPENDIX A
ANNUAL ACTIVITY REPORT
JANUARY 1, 2016 THROUGH DECEMBER 31, 2016

CASES FILED

Formal Complaints.....	85
Automatic Interim Suspensions (AI).....	14
Judgments of Conviction (JC).....	31
Petitions for Reciprocal Discipline (RD).....	6
Petitions to Transfer to Inactive Status (PI).....	1
Petitions for Reinstatement (RP).....	3
Miscellaneous (MZ).....	8
TOTAL CASES FILED.....	148

FINAL DISPOSITIONS

Final Orders of Discipline.....		100
Disbarments.....	21	
Suspensions.....	57	
Subject to MCR 9.123(A).....	31	
Subject to MCR 9.123(B).....	21	
Subject to MCR 9.123(B) & (C).....	5	
Reprimands.....	22	
Misconduct But No Discipline.....	0	
Probation.....	0	
Transfer to Inactive Status.....	5	
Dismissals.....	6	
Reinstatements Granted.....	2	
Reinstatements Denied or Dismissed.....	5	
Other.....	1	
TOTAL FINAL DISPOSITION ORDERS.....		119

OTHER NOTICES ISSUED

Automatic Interim Suspensions [MCR 9.120].....	13
Interim Suspensions Ordered by Hearing Panel.....	2
Interim Suspensions Ordered By Hearing Panel [MCR 9.115(H)].....	12
Automatic Reinstatements Under MCR 9.123(A).....	21
TOTAL OTHER NOTICES ISSUED.....	48

PUBLIC HEARINGS BY HEARING PANELS

Scheduled.....	232
Held.....	101

COSTS

Total Costs Reimbursed to the State Bar of Michigan by Respondents and Petitioners.....	\$97,484.65
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APPENDIX B

TYPES OF MISCONDUCT RESULTING IN DISCIPLINE

The following chart sets forth the number of times a particular rule was found to have been violated in connection with a final order of discipline issued in 2016. The total number of violations exceeds the number of final orders of discipline in 2016 (100) because most panel reports and Board orders or opinions find more than one rule violation. "MCR" means Michigan Court Rule. "MRPC" means Michigan Rules of Professional Conduct. The Michigan Supreme Court's website contains the full text of both [MCR subchapter 9.100](#) and the [Michigan Rules of Professional Conduct](#).

MCR 9.104(1)	conduct prejudicial to the proper administration of justice	30
MCR 9.104(2)	conduct that exposes the legal profession or the courts to obloquy, contempt, censure, or reproach	50
MCR 9.104(3)	conduct that is contrary to justice, ethics, honesty, or good morals	45
MCR 9.104(4)	conduct that violates the standards or rules of professional conduct adopted by the Supreme Court	28
MCR 9.104(5)	conduct that violates a criminal law of a state or of the United States, an ordinance, or tribal law pursuant to MCR 2.615 - felony conviction	16
MCR 9.104(5)	conduct that violates a criminal law of a state or of the United States, an ordinance, or tribal law pursuant to MCR 2.615 - misdemeanor conviction	16
MCR 9.104(5)	conduct that violates a criminal law of a state or of the United States, an ordinance, or tribal law pursuant to MCR 2.615 - no conviction	2
MCR 9.104(6)	knowing misrepresentation of any facts or circumstances surrounding a request for investigation or complaint	2
MCR 9.104(7)	failure to answer a request for investigation or complaint in conformity with MCR 9.113 and 9.115(D)	17
MCR 9.104(9)	violation of an order of discipline	2
MCR 9.104(10)(b)	agreement to withdraw request for investigation or not cooperate with AGC investigation or prosecution	1
MCR 9.112(D)(2)	contempt - failure or refusal to appear or give evidence pursuant to subpoena, or to answer a proper question after being ordered to do so	2
MCR 9.113(A)	duty/time to answer request for investigation	1
MCR 9.113(B)(2)	failure to timely answer request for investigation	15
MCR 9.119(A)	conduct of disbarred, suspended, or inactive attorneys - notification to clients of discipline and other information	2
MCR 9.119(B)	conduct in litigated matters - notification to tribunal and parties of disqualification from the practice of law	1
MCR 9.119(C)	filing of proof of compliance	3
MCR 9.119(D)	conduct after entry of order prior to effective date - disbarred or suspended attorney shall not accept any new retainer or engagement unless specifically authorized by the board chairperson	2
MCR 9.119(E)	conduct after effective date of order - practicing while suspended, disbarred, inactive, or resigned	2
MCR 9.120(C)	reciprocal discipline	5
MCR 9.123(A)	misrepresentation in affidavit of compliance with order of suspension	1
MCR 9.128(D)	costs - suspension for failure to pay	1

MRPC 1.1(a)	failure to provide competent representation to a client	6
MRPC 1.1(b)	handling a legal matter without preparation adequate in the circumstances	4
MRPC 1.1(c)	neglecting a legal matter	25
MRPC 1.2(a)	failure to seek the lawful objectives of a client or to abide by client's decision whether to accept an offer of settlement or mediation evaluation, regarding a plea to be entered, or whether to waive jury trial or testify	14
MRPC 1.2(d)	assistance to client not permitted by the Rules of Professional Conduct or other law	1
MRPC 1.3	failure to act with reasonable diligence and promptness	26
MRPC 1.4(a)	failure to keep client reasonably informed about the status of a matter	24
MRPC 1.4(b)	failure to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation	16
MRPC 1.5(a)	illegal or clearly excessive fee	3
MRPC 1.5(b)	failure to properly communicate basis or rate of fee	3
MRPC 1.5(c)	contingent fee not in writing or otherwise improper	1
MRPC 1.6(b)(1)	revealing a confidence or secret of a client	1
MRPC 1.6(b)(2)	use of a client confidence or secret to the disadvantage of the client	1
MRPC 1.7(b)	conflict of interest - current client - representation may be materially limited by the lawyer's responsibilities to another client or to a third person, or by the lawyer's own interests, and (1) no reasonable belief that representation will not be adversely affected, and (2) failure to obtain client's consent after consultation	1
MRPC 1.8(c)	preparing instrument giving lawyer or certain persons related to lawyer substantial gift from client	1
MRPC 1.8(e)	financial assistance to client in connection with litigation	1
MRPC 1.14(a)	client under a disability	1
MRPC 1.15(a)(3)	definition - "IOLTA account" - shall include only client or third person funds	18
MRPC 1.15(b)(1)	failure to promptly notify client or third person when funds or property received	2
MRPC 1.15(b)(2)	failure to properly preserve complete records of trust account funds and other property	2
MRPC 1.15(b)(3)	failure to promptly pay or deliver any funds or other property that the client or third person is entitled to receive or to render a full accounting	8
MRPC 1.15(c)	failure to keep separate disputed property or to promptly distribute undisputed portions of the property	3
MRPC 1.15(d)	failure to hold property of clients or third persons separate from the lawyer's own property	20
MRPC 1.15(f)	depositing lawyer's own funds in a client trust account in an amount greater than reasonably necessary to pay financial institution service charges or fees or to obtain a waiver of service charges or fees	16
MRPC 1.15(g)	withdrawal of legal fees and/or expenses paid in advance from a client trust account before fees earned or expenses incurred	6
MRPC 1.15A(f)	failure to properly/timely provide sufficient explanation to the Grievance Administrator after receiving trust account overdraft notification	2
MRPC 1.16(a)	improper failure to decline or terminate representation	1
MRPC 1.16(b)	improper termination of representation	1

MRPC 1.16(d)	failure to take reasonable steps to protect client's interests upon termination of representation, including refunding any advance payment of fee that has not been earned	21
MRPC 3.1	pursuing frivolous claims and contentions	1
MRPC 3.2	failure to make reasonable efforts to expedite litigation	4
MRPC 3.3(a)(1)	knowingly making or failing to correct false statement of material fact or law to a tribunal	2
MRPC 3.3(b)	failure to take reasonable remedial measures regarding another's fraudulent conduct related to an adjudicative proceeding	1
MRPC 3.4(c)	knowingly disobeying an obligation under the rules of a tribunal	3
MRPC 3.4(d)	frivolous discovery request; failure to comply with proper discovery request	1
MRPC 3.4(e)	improper trial tactics	1
MRPC 3.5(d)	undignified or discourteous conduct toward the tribunal	2
MRPC 4.1	knowingly false material statement to a third person in course of representation	2
MRPC 5.3(a)	failure of partner to make reasonable efforts to ensure that firm has reasonable measures assuring conduct of nonlawyer employees is compatible with professional obligations of firm lawyers	1
MRPC 5.3(b)	failure of lawyer having direct supervisory authority over nonlawyer to make reasonable efforts to ensure that nonlawyer's conduct is compatible with professional obligations of the lawyer	1
MRPC 5.5(a)	unauthorized practice of law	2
MRPC 6.5(a)	failure to treat with courtesy and respect persons involved in the legal process	2
MRPC 8.1(a)(1)	knowingly false statement of material fact in connection with a bar admission application or in connection with a disciplinary matter	1
MRPC 8.1(a)(2)	failure to disclose a fact necessary to correct a misapprehension or respond to a lawful demand for information from an admissions or disciplinary authority	15
MRPC 8.3(a)	failure to report to AGC another lawyer's significant violation of the Rules of Professional Conduct that raises a substantial question as to that lawyer's honesty, trustworthiness, or fitness as a lawyer	1
MRPC 8.3(b)	failure to report to the JTC a judge's significant violation of the Code of Judicial Conduct that raises a substantial question as to the judge's honesty, trustworthiness, or fitness for office	2
MRPC 8.4(a)	violating or attempting to violate the Rules of Professional Conduct, knowingly assisting or inducing another to do so, or doing so through the acts of another	39
MRPC 8.4(b)	engaging in conduct involving dishonesty, fraud, deceit, misrepresentation, or violation of the criminal law, where such conduct reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer	22
MRPC 8.4(c)	engaging in conduct that is prejudicial to the administration of justice	22
MRPC 8.4(d)	stating or implying an ability to influence improperly a government agency or official	1

APPENDIX C

DISCIPLINED ATTORNEYS BY TYPE OF DISCIPLINE - 2016

DISBARMENTS (21)

RESPONDENT	EFFECTIVE DATE
ANDERSON, David J.	August 10, 2016
ARNDT, Audra Annette	March 30, 2016
BOWSER, James C.	March 30, 2016
DANOWSKI, August W.	March 1, 2016
GOROSH, David J.	October 12, 2016
GOROSH, David J.	December 13, 2016
HERMAN, Matthew David	July 27, 2016
KALE, Stephen J.	March 5, 2016
KIRCHOFF, Kimberly A.	July 6, 2016
LEAHY, Timothy E.	April 12, 2016
MACDONALD, John M.	April 11, 2016
MILLER, Robert Clayton	August 12, 2016
MIX, Thomas O., Jr.	May 11, 2016
PACE-BYRD, Damika L.	January 8, 2016
ROSS, Constance Y.	October 20, 2016
RUZA, Steven B.	November 17, 2016
SCHULTES, John C.	November 2, 2016
SEPTOWSKI, Charles D.	October 8, 2016
WELCH, J. Kim	July 3, 2014
WENGER, David K., II	August 23, 2018
WILSON, Timothy James	June 23, 2016

SUSPENSIONS SUBJECT TO MCR 9.123(B) AND (C) [THREE YEARS OR MORE] (5)

RESPONDENT	LENGTH	EFFECTIVE DATE
GRAHAM, Susan G.	Four Years and 11 Months	March 3, 2016
HOLLINGSWORTH, Marc J.	Three Years	December 3, 2017
ROBINSON, Trevor M.	Three Years	May 27, 2016
SWITZER, Robert A.	Three Years and One Day	October 7, 2016
VANDERMOLEN, Mark R.	Three Years	February 26, 2016

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

RESPONDENT	LENGTH	EFFECTIVE DATE
BERRY, Christopher Shea	One Year	March 31, 2016
BESS, Barry R.	180 Days	January 17, 2015
EJIKE, Satch U.	180 Days	January 27, 2016
ENGLE, Ralph M.	180 Days	January 29, 2016
HAVERSTICK, David Lyle	One Year	November 18, 2016
HOWELL, Angela Kathleen	180 Days	August 1, 2016
JAMESON, Robert E.	180 Days	July 1, 2016
JOHNSON, Trevor Russell	180 Days	September 28, 2016
KOZYRA, Andrew J.	180 Days	April 5, 2016
LARDNER, Cynthia Marie-Martinovich	180 Days	April 27, 2016
MADER, Eric A.	18 Months	December 28, 2016
MUSZALL, Amy E.	180 Days	July 15, 2016
NABWANGU, Francois M.	One Year	February 18, 2016
OKONMAH, Derrick N.	180 Days	November 3, 2015
PATTON, David D.	180 Days	October 28, 2014
WALTNER, Paul J.M.	Two Years and 11 Months	August 13, 2015
WENGER, David K., II	180 Days	August 26, 2015
WILLIAMS, Debbie G.	180 Days	June 14, 2016
WUTZ, Brian R.	180 Days	May 14, 2016
YOUNG, Cynthia	180 Days	May 13, 2016
ZOCHOKOWSKI, Scott P.	Two Years	December 28, 2016

SUSPENSIONS SUBJECT TO MCR 9.123(A) [LESS THAN 180 DAYS] (31)

RESPONDENT	LENGTH	EFFECTIVE DATE
CLARKE, Lisa	30 Days	October 1, 2016
COHEN, Bernard M.	179 Days	March 9, 2016
CRUZ, Jeffrey A.	179 Days	November 29, 2016
DUNCHOCK, Arnold D.	30 Days	June 17, 2014
EMANUEL, Lennox	30 Days	January 28, 2016
ERNST, Joseph Edward	30 Days	December 14, 2016
FRITH, Bart R.	30 Days	March 12, 2016
GOSS, Dante' L.	45 Days	May 1, 2016
GREEN, R. Vincent	120 Days	March 1, 2016
HALL, James E.	45 Days	November 4, 2016
HARDER, Mark E.	179 Days	September 8, 2015
HAVENSTEIN, Danielle R.	179 Days	September 17, 2016
HERMAN, Matthew David	30 Days	August 24, 2016
HICKEY, Mary S.	90 Days	March 23, 2016
JACKSON, Carolyn J.	60 Days	February 24, 2016
JEFFERSON, Thomasine	30 Days	September 1, 2016
KEVELIGHAN, Kevin	179 Days	May 16, 2016
KRISTALL, Wayne P.	30 Days	January 21, 2016
KYLE, Robin H.	60 Days	October 18, 2016
LANCASTER, James R., Jr.	179 Days	June 10, 2015
NASLUND, Eric L.	179 Days	December 1, 2016
O'MEARA, Catherine M.	30 Days	December 16, 2016
ROHL, Gregory J.	30 Days	December 1, 2016
SIMPSON, Nathaniel H.	179 Days	April 15, 2016
STIDHAM, Thomas H.	30 Days	March 19, 2016
TIMMER, Paige L.	179 Days	September 28, 2015
TRAIN, Garner Keith	30 Days	December 15, 2015
WATSON, Kelly D.	179 Days	March 3, 2016
WILLIAMSON, Janet Ann	30 Days	October 12, 2016
WYRICK, Jermaine A.	30 Days	July 22, 2016
ZOCHOWSKI, Scott P.	30 Days	June 2, 2016

REPRIMANDS (22)

RESPONDENT	EFFECTIVE DATE
BIRD, Joseph C.	August 31, 2016
BRZEZINSKI, Christine M.	April 28, 2016
BULLARD, Rockwood W., III	November 17, 2016
CHAIKEN, Matthew Brian	April 28, 2016
CRAIG, Robert M.	April 27, 2016
ERNST, Joseph Edward	October 1, 2015
GRUSCZYNSKI, Daniel Isaac	January 8, 2016
HUBBELL, Bradley F.	October 1, 2016
JONES, Constance L.	January 5, 2016
KNOBLOCK, Michael A.	December 28, 2016
MAHER, James P.	July 12, 2016
MALOW, William R.	January 21, 2016
McCARTHY, Kathryn A.	September 14, 2016
ROYAL, John F.	July 8, 2016
RUTHERFORD, Charles E.	June 24, 2016
SCHMIDT, Teriann M.	April 28, 2016
SPORNY, Robert Thomas	December 2, 2016
TEICHMAN, Donald W., Jr.	August 12, 2016
TUTTLE, Wallace H.	July 22, 2016
WARNICKE, Thomas R.	September 9, 2016
WILDER, Marvin D.	October 21, 2016
WOLFE, Catherine L.	October 6, 2016

SUMMARY OF DISCIPLINE IMPOSED (2016)

DISBARMENTS.....	21
SUSPENSIONS - MCR 9.123(B) and (C).....	5
SUSPENSIONS - MCR 9.123(B).....	21
SUSPENSIONS - MCR 9.123(A).....	31
REPRIMANDS.....	22
PROBATIONS.....	0
MISCONDUCT BUT NO DISCIPLINE.....	0

APPENDIX D

**Attorney Discipline Board Comparative Statement of Expenses
Years Ended September 30, 2015 & September 30, 2016**

Expense Item	FY 2015	FY 2016
Salaries & Longevity	456,842	492,772
Payroll Taxes	33,984	36,822
Employee Insurance	95,643	92,271
Pension Contribution	41,882	41,250
Payroll Processing Fee	3,995	4,394
Retiree Health Care Expense	56,156	55,731
Rent	128,121	140,138
Electricity	4,695	4,120
Parking	6,284	6,370
Law Clerk and Professional Fees	53,830	81,767
Bookkeeping and Audit	15,860	13,943
Hearing Panel Expenses/Transcripts	40,850	55,562
Machine Rental	8,749	8,472
Meetings	6,643	5,874
Travel	8,746	9,902
Telephone	5,565	5,707
Legal Research & Subscriptions	9,710	10,806
Office Supplies	4,795	4,187
Printing	363	149
Postage	6,308	8,757
Insurance	23,831	17,969
Repairs and Maintenance	2,696	1,752
Office Expenditures	13,033	4,550
Professional Education	6,975	6,570
Dues	1,454	1,734
Miscellaneous	1,033	2,962
Depreciation	1,127	1,127
TOTAL	1,039,170	1,115,658

APPENDIX E

Board Member Biographies

LOUANN VAN DER WIELE of AUBURN HILLS Chairperson

Term Expires: September 30, 2018

Ms. Van Der Wiele served as Vice President & Associate General Counsel in the Office of the General Counsel of FCA US, LLC, with responsibility for product liability litigation and discovery (worldwide) until April of 2017, when she retired after 28 years of service with the corporation. In addition, Ms. Van Der Wiele oversaw the defense of class action, commercial, employment, warranty and lemon law litigation and advised the company on other vehicle-related consumer protection matters, regulatory affairs and risk management issues. Ms. Van Der Wiele is a graduate of Wayne State University (BS) and the Wayne State University law school (JD). She is a highly regarded speaker and participant in panel discussions at the national and international levels and has been named by Michigan Lawyers Weekly as an *In-House Leader in the Law*. Ms. Van Der Wiele was appointed by the Supreme Court to a three-year term on the Attorney Discipline Board effective October 1, 2012 and she was re-appointed to a second three-year term on the Board for a term ending September 30, 2018. The Supreme Court also appointed her to serve as Chairperson for a term ending September 30, 2016, and she was re-appointed as Chairperson for a term ending September 30, 2017.

REV. MICHAEL MURRAY of LANSING Vice-Chairperson

Term Expires: September 30, 2019

Fr. Murray is deputy general counsel for the Catholic Diocese of Lansing and administrator of St. Martha Parish in Okemos. He is a graduate of the University of Michigan Law School. He also holds graduate degrees in Theology and Labor and Industrial Relations. His undergraduate degree is from Michigan State University. In the past, he has served as Chief Commissioner of the Michigan Supreme Court, Chair of the Michigan Attorney Grievance Commission, and Moderator of the Curia of the Catholic Diocese of Lansing. Fr. Murray was appointed by the Supreme Court to a three-year term on the Attorney Discipline Board, commencing October 1, 2013. He was re-appointed to a second three-year term in 2016, and the Court also appointed him to a one-year term as Vice-Chairperson for a term ending September 30, 2017.

DULCE M. FULLER of BIRMINGHAM Secretary

Term Expires: September 30, 2017

Dulce M. Fuller was appointed by the Michigan Supreme Court to a three-year term as a non-lawyer member of the Attorney Discipline Board, commencing October 1, 2011. Mrs. Fuller is the principal in Park Gardens Ltd., a commercial interior design firm, as well as the owner and operator of Woodward & Maple, LLC. Mrs. Fuller served as Chairman of the Southeast Community Committee for The Heritage Foundation (Washington, D.C.) and is a member of the Board of Directors of the Mackinac Center for Public Policy (Midland, MI). Mrs. Fuller attended Oakland Community College. In 2014, the Supreme Court appointed Mrs. Fuller to a second three-year term on the Board, commencing October 1, 2014. The members of the Board elected Mrs. Fuller to serve as the Board's Secretary for three one-year terms beginning October 1, 2014 with her current term ending September 30, 2017.

JAMES A. FINK of YPSILANTI
Term Expires: September 30, 2017

Mr. Fink is a member of Fink & Fink (formerly Fink & Valvo), PLLC, where he focuses on civil litigation, misdemeanor criminal defense, municipal law, real estate, commercial transactions, small business representation, and landlord-tenant matters. He graduated from Eastern Michigan University in 1983, and obtained his law degree from Detroit College of Law in 1987. Prior to receiving his law degree, Mr. Fink worked for the Washtenaw County Sheriff's Department, starting in 1977 as a Marine Deputy, then as a Corrections Officer, a Deputy Sheriff, Sergeant, Administrative Sergeant, First Lieutenant, and, finally, Commander from 1995-1998. In 1998, he joined Reach, Reach, Fink & Valvo, P.C., where he concentrated on litigation, landlord-tenant matters, real estate, commercial transactions, municipal liability and zoning. He is a member of the State Bar of Michigan, the Washtenaw County Bar Association, and the Ypsilanti Bar Association. He has served on a number of advisory boards and committees throughout Michigan and is currently a member of the Michigan Domestic and Sexual Violence Prevention and Treatment Board, where he served as its Chair from 1999 to 2003. He is also a member of the Dawn Farm Board of Trustees and is on the Board of Elders at St. Luke Lutheran Church in Ann Arbor, Michigan. In September 2014, the Michigan Supreme Court appointed him to a three-year term as a lawyer-member of the Michigan Attorney Discipline Board, commencing October 1, 2014.

JOHN W. INHULSEN of GRAND RAPIDS
Term Expires: September 30, 2017

Mr. Inhulsen is a Senior Counsel in the Grand Rapids office of Werner, Norcross & Judd. He is an experienced business and litigation attorney, and provides legal solutions for a broad array of corporate and personal matters. He received his B.A. from Michigan State University in 2001, and his J.D. from Michigan State University College of Law in 2005. He is a member of the State Bar of Michigan, and has been admitted to the U.S. District Court for the Western District of Michigan, U.S. District Court for the Eastern District of Michigan, and the U.S. Sixth Circuit Court of Appeals. In 2013 and 2014, John was named a Michigan Super Lawyer, and twice selected as a "40 Under Forty Business Leader" by the Grand Rapids Business Journal. He was recognized as a 2014 "Up & Coming Lawyer" by Michigan Lawyers Weekly. In 2013, John was lead trial counsel in an antitrust matter, winning a \$5.15 Million unanimous jury verdict in favor of his client, a Michigan small business. In the community, John currently serves as Chair of the Leukemia & Lymphoma Society Board of Directors, Vice Chair of the Broadway Grand Rapids Board of Directors, Finance Chair of the Kent County GOP, and sits on the Kent County GOP Executive Committee, Adrian Public Schools Foundation Board of Directors, and Kuyper College Business Leadership Advisory Board. In the past, John has served as Chair of the March of Dimes Board of Directors, on the East Grand Rapids Schools Foundation Board of Directors, MSU Club of West Michigan Board of Directors, United Way Campaign Cabinet, the Helen DeVos Children's Hospital Campaign Cabinet, Van Andel Institute Junior Professionals Board, and the MSU Michigan Political Leadership Program Host Committee. In September 2014, the Michigan Supreme Court appointed him to a three-year term as a lawyer-member of the Michigan Attorney Discipline Board, commencing October 1, 2014.

JONATHAN E. LAUDERBACH of MIDLAND
Term Expires: September 30, 2018

Mr. Lauderbach is a partner in the Midland office of Warner Norcross & Judd LLP. He specializes in commercial litigation and bankruptcy matters, representing creditors in bankruptcy court proceedings, non-bankruptcy workouts, foreclosures and restructurings. Mr. Lauderbach was elected to the Midland County Circuit Court in 2006, and served in that capacity until March of 2013 when he stepped down to return to private practice. While serving in the judiciary, he was a member of the Executive Committee of the Michigan Judges Association and chaired its subcommittee on corrections policy. Mr. Lauderbach is an adjunct faculty member at the Michigan State University College of Law and is a Fellow of the Michigan State Bar Foundation. Active in community and civic affairs, he is a member of the boards of directors of Midland Tomorrow and the Midland Area Chamber of Commerce, and is a member of the Advisory Board of the Alden B. Dow Museum of Science and Art. He was appointed by the Michigan Supreme Court to a three-year term on the Attorney Discipline Board, commencing October 1, 2015.

BARBARA WILLIAMS FORNEY of OKEMOS

Term Expires: September 30, 2018

Barbara Williams Forney is the Associate Dean for Administration of the Michigan State University College of Human Medicine. Her main areas of focus are planning and leading the implementation of administrative and operational goals of the college including human resources, faculty affairs, space planning and management, facilities management, governance, and overall operations of the dean's offices. She also serves as the college's grievance hearing officer, teaches medical ethics, and is an assistant professor in the Department of Family Medicine. She earned her undergraduate degree from the University of Michigan and a master's in clinical pathology/immunology from MSU where her research interests focused primarily on the human histocompatibility complex. Previously, she served for 10 years as associate director of MSU's Olin Health Center. She was appointed by the Supreme Court to the Attorney Discipline Board for a three-year term ending September 30, 2018.

KAREN O'DONOGHUE of DETROIT

Term Expires: September 30, 2019

Ms. O'Donoghue is a partner in Taktix Solutions LLC, an independent advisory firm formed in 2002 to evaluate, structure and implement real estate development projects from concept through completion. Financial Advisory and facility development assignments have included public and private educational, commercial, residential, retail, and office projects. She has more than thirty years experience in finance, marketing and real estate development, having served as the Executive Vice President of a global telecommunications networking company, and as Executive Vice President of Detroit Economic Growth Corporation, the lead agency for attracting private investment and analyzing the economic benefits of commercial, industrial and public infrastructure improvements to the City of Detroit. Her leadership resulted in billions of dollars of public and private investment, including the \$600 million Major League Baseball and National Football Stadium complex, \$900 million Compuware Headquarters/Campus Martius Development, and numerous residential, office and manufacturing facilities. Ms. O'Donoghue is a member of CREW Network and Women in Public Finance, and has served on several boards and committees, including Hutzel Hospital, Greater Detroit Area Health Council, Michigan Bankers Association, National Bankers Association Trust Committee, YMCA Board and Finance Committee, U of D High School Finance Committee, Greater Detroit Chamber Technology Innovation Committee and Michigan Economic Development Corporation Advisory Board. She has a BS degree in Business Administration and Finance from Wayne State University and is a registered Municipal Advisor. Ms O'Donoghue was appointed by the Supreme Court to a three-year term on the Attorney Discipline Board ending September 30, 2019.

MICHAEL B. RIZIK, JR., of EAST LANSING

Term Expires: September 30, 2019

Mr. Rizik was admitted to the State Bar of Michigan in November 1981, and practices law with his brother, George F. Rizik, II, in Grand Blanc, Michigan. His law practice focuses on commercial transactions and litigation, family law, and serious personal injury cases and wrongful death litigation. He is a former Trustee of the Michigan Bar Foundation, and was a member of the Thomas M. Cooley Law School's Board of Directors from 1997-2011, serving as Chair of the Investment and Strategic Planning Committees, as well as on the Executive and Nominating Committees. Mr. Rizik has a Masters of Science in Finance from Walsh College, a J.D. from Thomas M. Cooley Law School, a bachelor's degree in philosophy from Nazareth Catholic College, and has served as a Special Lecturer at Michigan State University's School of Labor and Industrial Relations Labor Program. He has written several articles on substantive legal topics, has been a member of various statewide and county bar associations, and is admitted to practice in the United States Supreme Court, the United States Court of Claims, and the state and federal courts in Michigan. Mr. Rizik was appointed by the Supreme Court to a three-year term on the Attorney Discipline Board ending September 30, 2019.

APPENDIX F
2016 HEARING PANEL ROSTER¹

ALLEGAN COUNTY

OYLER, W. Tedd[#]

ALPENA COUNTY

WHITE, Daniel W.

ANTRIM COUNTY

HOUGHTON, Ralph H., Jr.

BAY COUNTY

GIUNTA, Rozanne M.
MOROSI, John M.

BENZIE COUNTY

McKAY, Joan S.

BERRIEN COUNTY

ALLEN, Douglas C.
BURDICK, Carl R.
PETERSON, David M.
SMITH, Peter W.
STRAUB, James M.
TAGLIA, Paul A.

CALHOUN COUNTY

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

CHARLEVOIX COUNTY

ARNER, Timothy D.
KLEVORN, Kevin G.
MILLER, Bonnie J.

CHIPPEWA COUNTY

McSHANE, Dennis J.
VEUM, Thomas J.

DELTA COUNTY

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

EMMET COUNTY

BECKER, Gordon A.
DeMOORE, Christina L.
FENTON, Stuart L.
MURRAY, James J.
RAMER, James T.
SCHOLL, Stefan J.
SMITH, W. Richard
TRESIDDER, Stephen J.[#]
WURSTER, Joel D.

GENESEE COUNTY

BARKEY, Brian M.
BUCKLEY-O'NEILL, Kathleen
DIESEL, Peter L.[#]
GRIFFIN, Walter P.
HALDY, Ronald L.
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.
TREMBLEY, James J.
TUCKER, John R.
TURNAGE, Frank G.
WHEATON, Robin L.

GRAND TRAVERSE COUNTY

BICKEL, Mark P.[#]
BIMBER, Frederick R.
BUDROS, Barbara D.
FISHER, Joseph C.

INGHAM COUNTY

BEHAN, Michael R.
BEHAN, Raymond R.
BENGTSON, Thomas A.
BOSENBRÖOK, Arlyn J.
CASEY, Nan Elizabeth
DALE, Julia A.
DE VINE, Barry F.[#]
DOCTOROFF, Andrew S.
DOSTER, Eric E.
EDGAR, Mary C.
EMERY, Lawrence J.
GALLAGHER, Bryon P., Jr.
GROLL, Catherine
HOGAN, Patrick R.
HOOVER, C. Mark
HORNBAACH, Oskar M.
LEWIS, Larry W.
LOVIK, Mary M.

INGHAM COUNTY
(Continued)

MANIS, Paula K.
McALLISTER, Lori
McCARTHY, Robert E.
PELOT, Michael J.
SCHNEIDER, Matthew J.
STROPKAI, James L.
STROUD, Ted W.
SUHRHEINRICH, Richard J.
TIMMER, Amy
TYSZKIEWICZ, Roman
WADDELL, David D.
WONCH, Nancy A.
WOOD, Rock A.[#]
ZULAKIS, George

IRON COUNTY

POWELL, Melissa Anne

ISABELLA COUNTY

BLOEM, Gordon M.

JACKSON COUNTY

HAMILTON, Janet L.

KALAMAZOO COUNTY

GETTING, Jeffrey S.
KEISER, W. Jack [#]
KNEAS, John W.
LEVINE, Sharan Lee
MORRIS, Christopher A.
RUSSELL, Gregory W.
RYAN, William J.
SHARMA, Namita

KENT COUNTY

BLACK, James G.
COURTADE, Bruce Anthony
CUMINGS, Timothy J.
DAVID, Ronald E.
DUNN, William B.
EDGAR, Christopher L.
FARR, William S.
FIELDS, Geoffrey A.
KOLENIC, Anthony J., Jr.
KOSTA, Michael J.
MAY, Berton K.
McCARTHY, Paul A.
McGLADDERY, Patrick C.
MELTON, Scott R.
MUDIE, Kent W.
O'DOWD, Kevin J.
RABIDEAU, Christopher J.

¹ Deceased.

[#]Retired or resigned as panelist.

[%]Inactive panelist.

[&]All full-time judges removed as hearing panelists.

KENT COUNTY
(Continued)

REAMON, Martha E.
SAALFELD, James R.
SMIETANKA, John Allen
SPALDING, Arthur C.
THEIME, R. Kevin
VULETICH, Victoria V.
WALTON, Michael C.

LAPEER COUNTY

PETERS, Neill T. #

LIVINGSTON COUNTY

DRICK, Jay R. #
GARDELLA, Robert C.
TROST, Richard M.

MACOMB COUNTY

ANDERSON, Philip J.
CARDAMONE, Emil E.
COJOCAR, Jeffery A.
COLE, Brian J.
COLMAN, Neil M.
CURTIS, Robert J.
FINAZZO, Lori J.
GAZALL, Robert S.
GARVEY, Paul T.
GARVEY, Robert F.
LANGE, Craig W.
LEGGHIO, Brian M.
LUJAN, Joseph G. #
MAKARSKI, Daniel P. #
MARTIN, James N.
MERRY, Cynthia E.
PUTMAN, Alicia M.
PUZZUOLI, Joseph P.
RINI, James W.
RUSSELL, Karen
SCHOENHERR, Craig S., Sr.
SHATZMAN, Pearl P.
TEGEL, Renee D.
THOMAS, James C.
WARNEZ, Dana M.
WOMACK, P. Douglas, Jr.

MASON COUNTY

NICHOLSON, Gary L.

MARQUETTE COUNTY

CASSELMAN, Thomas P.
HENDERSON, Sarah E.
KEEFE, Ronald D.
KOCH, Kevin Wm.
LARSEN, Suzanne C
PENCE, Steven L.
WEBER, Karl A. &

MIDLAND COUNTY

DURANCE, Stephen E.
WILSON, John M.

MONROE COUNTY

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

MUSKEGON COUNTY

BALGOOYEN, Fredric F.
BLEAKLEY, Frederick W.
BOSSENBROEK, David L.
CHESSMAN, Robert O.
NEAL, Gary T.
ROSE, James M.
SCOTT, Brianna
SNIDER, I. John, II

OAKLAND COUNTY

ABBO, Peter
ABRAMS, Nina Dodge #
ACKER, Gerald H.
APPEL, Jeffrey S.
AUGUST, Gary K.
BAIERS, James E.
BARKER, Lori A.
BATTERSBY, Michael L.
BAUM, Martin S.
BAUM, Michael E.
BAUMHART, A. David, III
BENHAM, Lucy R.
BERNSTEIN, Douglas C.
BERNSTEIN, Mark J.
BERNSTEIN, Samuel I.
BERNSTEIN, Stephen R.
BOOKHOLDER, Ronald W. #
BRAUER, David A.
BRAZZIL, Cynthia E. #
BREITFELD, Erika R.
BROOKS, Keefe A.
BRUKOFF, William M.
BURDICK, James W.
CANVASSER, Sue Ann
CARUSO, Kathryn M.
CLARK, Peter L.
COLLINS, Morton B.
COLTON, Michael W. #
COOPER, Mark G.
COUSENS, Mark H.
DICKSTEIN, Loren M.
EICHENHORN, Emily J.
FABRIZIO, Joseph J. #
FELDMAN, Barry M. %
FISHER, Dodd B.
FOX, Sharon Mullin #
FREILICH, Diane M. #
FRYHOFF, Timothy T. #
GAGE, William C.
GOLD, Edward D. #
GOLDMAN, Barry
GOODMAN, Barry J.
GOOGASIAN, George A.
GRAMZOW, Kirsten E.
GROFFSKY, Richard L.
GUERRIERO, Timothy M.
GURWIN, Howard E.
HARDY, Elizabeth P.
HARNISCH, Alan C.

OAKLAND COUNTY
(Continued)

HARON, David L.
HAROUTUNIAN, Edward L.
HARRINGTON, James J., III
HEWSON, James F
HOHAUSER, Michael S.
HUTSON, Michael W.
JACOBS, Mark S. #
KANTER, Alan M.
KATZ, Lawrence S.
KIENBAUM, Thomas G.
KINSLEY, Stephen L.
KUTHY, Douglas E.
LEONARD, Norbert B.
LEONARD, Veronica R.
LERNER, Joshua A.
LICHTERMAN, Susan S.
LINDEN, Howard T.
LINDEN, Jeffrey B.
LOGAN, Leslie Anne
MARVIN, Ronald S.
MATZ, Steven J.
McCANN, D. Michael
McLAIN, Patrick
MILLER, Leonard E.
MORROW, Raymond L.
O'CONNOR, Julie McCann
PALETZ, Susan E. %
PAPPAS, Edward H.
PARKER, Joyce E. #
PERLMUTER, Gary
PIA, Joseph
PRITCHARD, Clyde B.
RAHEEM, Rasul M.
RICE, Cinnamon A.
RICHARDS, William J.
RONAYNE, Colleen V.
RUBIN, Jorin G.
RYAN, Thomas J.
SEIFMAN, Barry A.
SCHEIBLE, Eric D.
SCHNELZ, Kurt E.
SHABAN, Tova G.
SHERROD, Patricia L.
SILVER, Kenneth F.
SILVERSTEIN, Corey D.
SMITH, C. Giles, Jr. #
STERLING, J. Robert*
STERLING, Raymond J.
STEWART, Jeffrey T.
STOOPS, Kevin J.
SUSSER, Danielle F.
SUSSER, Steven C. %
TALARICO, Paula M.
TATE, Towana
TEICHER, Mark L. #
THOMAS, Cynthia G.
TOOHEY, Robert E. #
TRIEST, Brent S.
TUCK, Marsha Lynn
TURNER, Lee I.
VESTRAND, Joan P.
WALKER, David R.
WALLACH, Howard I.
WARSH, Richard L.
WEINER, Ronald K.
WELLS, Steven W.
WERDER, Mark R.

OAKLAND COUNTY
(Continued)

WILLIS, Robert L., Jr.
WILSON, Eric S.
WOLOCK, Steven M.
YOCKEY, Kurt D.
YOCKEY, Michael J.
ZUPPKE, David F.

OTTAWA COUNTY

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

SAGINAW COUNTY

CHASNIS, John A.
COLLISON, Nathan J.
HAHN, Robert A.
MOSSNER, Eugene D.
SMITH, Lawrence Wm., Jr.
WALLACE, David A.

ST. CLAIR COUNTY

HILL, Steven L.
McGLYNN, Meghan A.
McNAMEE, John B.
WATSON, George C.

ST. JOSEPH COUNTY

DAVIDSON, Matthew S.

VAN BUREN COUNTY

DuBAY, Mark D.#
SCHUITMAKER, Harold G.

WASHTENAW COUNTY

BARR, John
BASTA, Joseph C.
CARTER, Stefani A.
CONNORS, Margaret A.#
CONTI, Guy T.%
DEW, Thomas E.
EGGAN, Andrew M.
FLINTOFT, Peter C.
GREEN, Philip
HART, Clifford #
KESSLER, Barbara L.#
LAX, Jerold
LENART, Krista L.
LOVERNICK, Richard N.
MURPHY, Barbara L.#
NICHOLS, Margaret J.#
PRESSEL, Juliet E.
SACKS, Monika H.
SAFRANEK, Stephen J.#
SENDELBACH, Karen S.
SLANK, Eileen J.
STARK, Sheldon J.
SUGERMAN, Donald F.
VARTANIAN, Michael G.
WAX, Harvey I.
WEBER, Deborah J. Hammerlind

WAYNE COUNTY

BAKER, Chandra W.
BARTOS, Suzanne P.
BRAUER, Matthew A.
BUFFINGTON, Lamont E.
BURGESS, Laurence C.
CAMINSKY, Jeffrey
CHADWELL, Kenneth R.
CHAPIN, Boyd E., Jr.
COHEN, David M.
COSTELLO, Margaret A.
COTHORN, John A.
COWLEY, Sean M.
CUMMINGS, Owen J.
DAKMAK, John D.
DALEY, Karen M.#
DAMREN, Samuel C.
DE VINE, Clifford, J.
DUFRANE, Kyle R.
EDWARDS, Sharon-Lee
EISENBERG, Stuart B.
ELLIOTT, Sylvia J.
ESSAD, Kenneth M.
ESSHAKI, Gene J.
FIELDMAN, Elaine S.
FISCHER, Paul J.
FRIMPONG, Ben K.
GARBARINO, Linda M.
GESKEY, Stephen M.
GOROSH, Alan S.
GRUSKIN, Michael A.
GULLEN, John D.
HELLAND, Lynn A.
HUMPHREY, Kathryn J.
HURWITZ, Miles A.
HUTTING, Andrea L.
JACOBS, John P.
JADALLAH, Samer Naim
JORDAN, Teri A.
KASIBORSKI, Chester E., Jr.
KITCH, Richard A.
KUPLICKI, Francis P.
LAKE, Timothy W.
LIZZA, John B.
LONGSTREET, Kristine Heard
MAVEAL, Gary M.
MENDEL, Todd R.
MILLER, Bruce A.
MILLER, C. David, II
MITSEFF, Kimberly R.
MOHSIN, Saima S.
NEUMANN, Jennifer 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.
SINCLAIR, Jennifer J.#
SKILLMAN, Alicia J.
SMITH, Margaret M.
TALON, Marianne G.
TEALL, Graham L.

WAYNE COUNTY
(Continued)

TUKEL, Jonathan
URSO, John R.
VAN HOEK, Dawn A.
WATZA, Michael J.
WEIER, Craig A.
WEINGARDEN, Lora
WELLER, Robert Y., II
WHITE, Lynda D.#
WIDLAK, Anne
WILLIAMS, Avery K.
WYNNE, James E.
YOTT, Cynthia K.

WEXFORD COUNTY

McCURDY, David S.