

STATE OF MICHIGAN

Attorney Discipline Board

FILED
ATTORNEY DISCIPLINE BOARD

2020-Jun-15

GRIEVANCE ADMINISTRATOR,
Attorney Grievance Commission,

Petitioner/Appellee,

v

Case No. 17-138-GA

ROBERT A. CANNER, P 11572,

Respondent/Appellant.

/

ORDER AFFIRMING HEARING PANEL ORDER OF SUSPENSION WITH CONDITION

Issued by the Attorney Discipline Board
333 W. Fort St., Ste. 1700, Detroit, MI

On August 29, 2019, Tri-County Hearing Panel #74 of the Attorney Discipline Board entered an order in this matter, suspending respondent's license to practice law in Michigan for a period of 90 days, with the condition that respondent contact the State Bar of Michigan Practice Management Resource Center to schedule a consultation, participate in the consultation, and review and implement any recommendations that are not financially burdensome. On September 13, 2019, respondent filed a timely petition for review and a request for a stay, which resulted in an automatic stay of the hearing panel's order.

The Attorney Discipline Board has conducted review proceedings in accordance with MCR 9.118, including review of the record before the hearing panel and consideration of the briefs and arguments presented to the Board at a review hearing conducted on February 19, 2020.

NOW THEREFORE, for the reasons set forth in the accompanying opinion,

IT IS ORDERED that the hearing panel's Order of Suspension with Condition, issued August 29, 2019, is **AFFIRMED**.

IT IS FURTHER ORDERED that respondent's license to practice law in Michigan is **SUSPENDED FOR 90 DAYS, EFFECTIVE JULY 14, 2020**, and until respondent's filing of an affidavit of compliance with the Supreme Court, the Attorney Discipline Board and the Attorney Grievance Commission in accordance with MCR 9.123(A).

IT IS FURTHER ORDERED that respondent is subject to the following condition:

Respondent is to contact the State Bar of Michigan Practice Management Resource Center (PMRC) within 30 days of the date of this order to schedule a consultation. Within 60 days of the date of this order, respondent must have participated in the consultation with the PMRC advisor. Respondent is to provide, or cause to be provided, a copy of the consultation report to the Grievance Administrator or his designee. Upon issuance of the consultation report, respondent shall review and seek to implement all recommendations that are not financially burdensome. A recommendation will be considered mandatory if the recommendation may be implemented at no out-of-pocket expense to respondent or if the out-of-pocket cost of implementation of the recommendation is less than \$100.00.

IT IS FURTHER ORDERED that from the effective date of this order and until reinstatement in accordance with the applicable provisions of MCR 9.123, respondent is forbidden from practicing law in any form; appearing as an attorney before any court, judge, justice, board, commission or other public authority; or holding himself out as an attorney by any means.

IT IS FURTHER ORDERED that, in accordance with MCR 9.119(A), respondent shall, within seven days after the effective date of this order, notify all of his active clients, in writing, by registered or certified mail, return receipt requested, of the following:

1. the nature and duration of the discipline imposed;
2. the effective date of such discipline;
3. respondent's inability to act as an attorney after the effective date of such discipline;
4. the location and identity of the custodian of the clients' files and records which will be made available to them or to substitute counsel;
5. that the clients may wish to seek legal advice and counsel elsewhere; provided that, if respondent was a member of a law firm, the firm may continue to represent each client with the client's express written consent;
6. the address to which all correspondence to respondent may be addressed.

IT IS FURTHER ORDERED that in accordance with MCR 9.119(B), respondent must, on or before the effective date of this order, in every matter in which respondent is representing a client in litigation, file with the tribunal and all parties a notice of respondent's disqualification from the practice of law.

IT IS FURTHER ORDERED that, respondent shall, within 14 days after the effective date of this order, file with the Grievance Administrator and the Attorney Discipline Board an affidavit of compliance as required by MCR 9.119(C).

IT IS FURTHER ORDERED that respondent's conduct after the entry of this order but prior to its effective date, shall be subject to the restrictions set forth in MCR 9.119(D); and respondent's compensation for legal services shall be subject to the restrictions described in MCR 9.119(F).

IT IS FURTHER ORDERED that respondent shall, on or before July 14, 2020, pay costs in the amount of **\$5,366.90**, consisting of costs assessed by the hearing panel in the amount of \$5,227.24 and court reporting costs incurred by the Attorney Discipline Board in the amount of \$139.66 for the review proceedings conducted on February 19, 2020. Check or money order shall be made payable to the Attorney Discipline System and submitted to the Attorney Discipline Board, 333 West Fort St., Ste. 1700, Detroit, MI 48226, for proper crediting. (See attached instruction sheet).

ATTORNEY DISCIPLINE BOARD

By:


Jonathan E. Lauderbach, Chairperson

Dated: June 15, 2020

Board members Jonathan E. Lauderbach, Barbara Williams Forney, James A. Fink, Karen O'Donoghue, and Michael S. Hohausser concur in this decision.

Board members Michael B. Rizik, Jr., Linda Hotchkiss, MD, John W. Inhulsen, and Peter A. Smit were absent and did not participate.