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AMENDED NOTICE OF INTERIM SUSPENSION PURSUANT TO MCR 9.115(H)(2)

Case No. 20-28-GA

Notice Issued: July 20, 2020

Zoran Mitrovski, P 76095, Leonard, Michigan, by the Attorney Discipline Board Tri-County Hearing Panel #6.

Interim Suspension - Effective July 9, 2020.

The three count formal complaint filed on March 13, 2020, in this matter alleges, in count one, that respondent accepted a \$10,000 retainer in a juvenile delinquency proceeding and thereafter neglected the matter, failed to communicate with his client, and failed to return an unearned fee, among other rule violations. In count two, the formal complaint alleges that, in a separate matter, respondent accepted a \$2,500 retainer, made unauthorized charges to the client's credit card resulting in the filing of felony charges and the issuance of a bench warrant, and neglected the matter and failed to communicate with the client. And, in count three of the formal complaint it is alleged that respondent failed to answer a request for investigation from the Grievance Administrator, did not respond to a follow-up letter and email, and failed to respond to a subpoena and appear for a sworn statement, in violation of MCR 9.113(A) and (B)(2); 9.104(7); and MRPC 8.1(a)(2).

After respondent failed to reply to the email transmitting the formal complaint to the email address on file with the State Bar of Michigan for respondent, the Grievance Administrator served the formal complaint upon respondent via certified and regular mail at respondent's address on file with the State Bar of Michigan in accordance with MCR 9.115(C). Respondent failed to answer the formal complaint or otherwise defend the complaint within the time prescribed by the Michigan Court Rules and his default was entered on June 2, 2020.

At 1:53 p.m., on July 8, 2020, a day before the scheduled hearing in this matter, respondent faxed to the ADB offices an emergency motion to adjourn stating, in part, that:

Respondent respectfully requests an adjournment of proceedings due to serious illness and required self-quarantine as a result of COVID-19, seriously affecting his health as well as his ability to properly appear virtually due to lack of access to appropriate technology. Additionally, Respondent is currently relying on a

caretaker, and is unable to adequately partake in the proceeding due to a lack of access to files or documents.

The Grievance Administrator filed a response, objecting to the adjournment and noting that respondent's motion did not attach any medical records or documentation to support his request. The objection further stated this matter had been pending since March 13, 2020, and that respondent's failure to respond to the Administrator dated back to April of 2019, and continued into the formal proceedings with his failure to answer the formal complaint and failure to move to set aside the default entered thereafter. The Administrator requested that the emergency motion to adjourn be denied or that an interim suspension be imposed pursuant to MCR 9.115(H)(2), which states that, "If a respondent, or the respondent's attorney on his or her behalf, claims physical or mental incapacity as a reason for the respondent's failure to appear before a hearing panel or the board, the panel or board on its own initiative may, effective immediately, suspend the respondent from the practice of law until further order of the panel or board."

On July 8, 2020, at 3:57 p.m., Respondent was advised via email that the panel denied his emergency motion to adjourn and he was provided mobile telephone instructions to appear at the July 9, 2020 hearing telephonically. Respondent subsequently failed to appear telephonically or otherwise participate in the July 9, 2020 hearing.

At the hearing, the panel determined that respondent was in default, that no motion had been filed to set it aside, and that the allegations of the formal complaint were therefore established. The panel also noted that although respondent was given the opportunity to appear by telephone, neither respondent nor the person filing the motion to adjourn appeared at the time of the hearing. However, rather than conducting the hearing on discipline immediately following the determination of misconduct (MCR 9.115(J)(2)), the panel adjourned and directed that it be scheduled at least four weeks later as requested by respondent. Finally, in accordance with MCR 9.115(H)(2), the hearing panel also determined that respondent would be suspended from the practice of law on an interim basis and until further order of the panel. The panel issued an order of interim suspension of respondent's license, effective July 9, 2020.

/s/ Mark A. Armitage
Executive Director