

Reinstatement

Carl J. Gabrielse, P67512, Holland, by the Attorney Discipline Board, Kent County Hearing Panel #1, effective January 6, 2016.

The petitioner was suspended from the practice of law for a period of three years, effective February 24, 2010. Kent County Hearing Panel #1 issued an order on October 17, 2014, finding and concluding that the petitioner was eligible for reinstatement upon his filing of proofs that he had been recertified by the Board of Law Examiners and had paid his bar dues.

The grievance administrator filed a petition for review of the order granting eligibility for reinstatement. The Attorney Discipline Board issued an order on December 29, 2015 affirming the order of eligibility for reinstatement.

The Board, after receiving written proofs that the petitioner had been recertified by the Board of Law Examiners and had paid his bar dues to the State Bar of Michigan, issued an order reinstating the petitioner to the practice of law in Michigan, effective January 7, 2016.

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DUTY TO REPORT AN ATTORNEY'S CRIMINAL CONVICTION

All Michigan attorneys are reminded of the reporting requirements of **MCR 9.120(A)** when a lawyer is convicted of a crime:

What to Report:

A lawyer's conviction of any crime, including misdemeanors. A conviction occurs upon the return of a verdict of guilty or upon the acceptance of a plea of guilty or no contest.

Who Must Report:

Notice must be given by all of the following:

1. The lawyer who was convicted;
2. The defense attorney who represented the lawyer; and
3. The prosecutor or other authority who prosecuted the lawyer.

When to Report:

Notice must be given by the lawyer, defense attorney, and prosecutor within **14 days** after the conviction.

Where to Report:

Written notice of a lawyer's conviction must be given to:

Grievance Administrator
Attorney Grievance Commission
Buhl Building, Ste. 1700
535 Griswold, Detroit, MI 48226
and

Attorney Discipline Board
211 W. Fort Street, Ste. 1410
Detroit, MI 48226

Automatic Reinstatement

Evan A. Dixon, P45738, Hancock, effective December 14, 2015.

The respondent was suspended from the practice of law in Michigan for 179 days, effective June 1, 2015. In accordance with MCR 9.123(A), the suspension was terminated with the respondent's filing of an affidavit of compliance with the Michigan Supreme Court on December 14, 2015.

Reprimand

William R. Malow, P30674, Shelby Township, by the Attorney Discipline Board, Tri-County Hearing Panel #105, effective January 21, 2016.

Based on the respondent's misdemeanor conviction for impaired driving, contrary to MCL 250.6253A, the hearing panel found that he committed professional misconduct in violation of MCR 9.104(A)(5).

The panel ordered that the respondent be reprimanded, and assessed costs in the amount of \$1,742.70.

Reprimand (By Consent)

Daniel Isaac Grusczyński, P76516, Dowling, by the Attorney Discipline Board, Kalamazoo County Hearing Panel #2, effective January 8, 2016.

The respondent and the grievance administrator filed a stipulation for a consent order of discipline in accordance with MCR 9.115(F)(5), which was approved by the Attorney Grievance Commission and accepted by the hearing panel. Based on the respondent's misdemeanor conviction of operating while intoxicated and his acknowledgment in the Stipulation for Consent Order of Reprimand, the panel found that he violated the criminal laws of the state of Michigan, contrary to MCR 9.104(A)(5).

In accordance with the stipulation of the parties, the hearing panel ordered that the respondent be reprimanded and pay costs in the amount of \$763.49.

Suspensions

Wayne P. Kristall, P24471, Southfield, by the Attorney Discipline Board, Tri-County

Hearing Panel #66, for 30 days, effective January 21, 2016.

The respondent appeared at the hearing and filed an answer to the formal complaint. The hearing panel found that the respondent held funds other than client or third-person funds in an IOLTA, in violation of MRPC 1.15(a)(3); and deposited his own funds in the client trust account in excess of an amount reasonably necessary to pay financial institution service charges or fees or to obtain waiver of service charges or fees, in violation of MRPC 1.15(f).

The panel ordered that the respondent's license to practice law in Michigan be suspended for 30 days. Costs were assessed in the amount of \$2,805.86.

Wade H. McCree, P37626, Detroit, by the Attorney Discipline Board, Tri-County Hearing Panel #2, for two years, effective January 22, 2016.

The respondent appeared at the hearings and filed an answer to the formal complaint. The hearing panel found that the respondent had committed professional misconduct during his tenure as a Wayne County Circuit Court judge when he engaged in an extramarital affair with a litigant in a child-support case assigned to his courtroom; communicated with the litigant and presided over various aspects of the case during the course of his affair; and failed to recuse himself for several months. The panel also determined that the respondent presided over a case involving a relative of the litigant with whom he was having the affair, and that he conferred with her before issuing a bond reduction in the matter. The panel further determined that the respondent made false and misleading statements and representations to the Wayne County Prosecutor and the Judicial Tenure Commission relating to his actions in those two cases.

The hearing panel found that the respondent's conduct was prejudicial to the proper administration of justice, in violation of MCR 9.104(1); exposed the legal profession or the courts to obloquy, contempt, censure, or reproach, in violation of MCR 9.104(2); was contrary to justice, ethics, honesty, or good morals, in violation of MCR 9.104(3); violated the standards or rules of professional conduct adopted by the Supreme Court,

contrary to MCR 9.104(4); and, knowingly misrepresented any facts or circumstances surrounding a request for investigation or complaint, in violation of MCR 9.104(5). The panel further found that the respondent violated or attempted to violate the Michigan Rules of Professional Conduct and knowingly assisted or induced another to do so, or to do so through the acts of another, contrary to MRPC 8.4(a); engaged 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, contrary to MRPC 8.4(b);

and engaged in conduct that is prejudicial to the administration of justice, in violation of MRPC 8.4(c).

The hearing panel ordered that the respondent's license to practice law be suspended for two years, effective January 22, 2016. Costs were assessed in the amount of \$3,271.11.

David K. Wenger II, P23078, Grosse Pointe Park, by the Attorney Discipline Board, Tri-County Hearing Panel #25, for two and a half years, effective February 22, 2016.¹

The respondent appeared at the hearing and filed an answer to the formal complaint.

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AUTHOR: PATRICK T. BARONE

Patrick T. Barone has an "AV" (highest) rating from *Martindale-Hubbell*, and since 2009 has been included in the highly selective *U.S. News & World Report's America's Best Lawyers*, while the

Barone Defense Firm appears in their companion *America's Best Law Firms*. He has been rated "Seriously Outstanding" by *Super Lawyers*, rated "Outstanding/10.0" by AVVO, and has recently been rated as among the top 5% of Michigan's lawyers by *Leading Lawyers* magazine. Mr. Barone is the principal and founding member of The Barone Defense Firm, whose practice is limited exclusively to DUI cases including those involving injury or death.

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The hearing panel found that the respondent had committed professional misconduct when he held funds other than client or third-person funds in an IOLTA, in violation of MRPC 1.15(a)(3); failed to hold property of clients or third persons in connection with a representation separate from his own property, in violation of MRPC 1.15(d); deposited his own funds into an IOLTA in an amount more than reasonably necessary to pay financial institution charges or fees, in violation of MRPC 1.15(f); failed to deposit legal fees and/or expenses paid in advance into a client trust account and to withdraw the fees and/or expenses only when earned or when the expenses were incurred, in violation of MRPC 1.15(g); and engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation where such conduct reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer, in violation of MRPC 8.4(b). The panel also found that the respondent violated MRPC 8.4(a) and MCR 9.104(2)-(4).

The hearing panel ordered that the respondent's license to practice law be suspended for two and a half years, effective February 22, 2016, to run consecutive to the 180-day suspension ordered in *Grievance Administrator v David K. Wenger II*, Case No. 14-79-GA; 15-21-GA. The respondent filed a petition for review and a motion for stay of costs. The Board granted the stay but dismissed the respondent's petition for review when he failed to file the necessary brief in support of his petition. Total costs were assessed in the amount of \$1,863.98.

1. The respondent has been continuously suspended from the practice of law in Michigan since August 26, 2015. Please see Notice of Suspension and Restitution issued August 26, 2015.

Suspension and Restitution (Pending Appeal)

Geoffrey L. Craig, P46554, Detroit, by the Attorney Discipline Board, Tri-County Hearing Panel #12, for 180 days, effective December 22, 2015.

The respondent was in default for his failure to file an answer to the formal complaint, but he did appear at the hearings. Based on the respondent's default, the hearing panel found that he neglected a legal

matter, in violation of MRPC 1.1(c); failed to act with reasonable diligence and promptness, in violation of MRPC 1.3; knowingly disobeyed an obligation under the rules of a tribunal, in violation of MRPC 3.4(c); failed to notify a client or third person when funds in which a client or third person had an interest are received, in violation of MRPC 1.15(b)(1); failed to promptly pay or deliver funds that a client or third person was entitled to receive, in violation of MRPC 1.15(b)(3); and engaged in conduct involving dishonesty, fraud, deceit, misrepresentation, or violation of a criminal law, where such conduct reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer, contrary to MRPC 8.4(b). The panel also found that the respondent violated MRPC 8.4(a) and (c) and MCR 9.104(1)-(4).

The hearing panel ordered that the respondent's license to practice law in Michigan be suspended for 180 days and that he pay restitution in the amount of \$62,500. The grievance administrator filed a petition for review, seeking an increase in discipline, and this matter will be scheduled for hearing before the Attorney Discipline Board.

Suspension and Restitution With Conditions (By Consent)

Garner Keith Train, P30554, Clio, by the Attorney Discipline Board, Genesee County Hearing Panel #2, for 30 days, effective December 15, 2015.¹

The respondent and the grievance administrator filed a stipulation for a consent order of discipline in accordance with MCR 9.115(F)(5), which was approved by the Attorney Grievance Commission and accepted by the hearing panel. Based on the parties' stipulation, the respondent admitted that he had not complied with the order of discipline that was issued in *Grievance Administrator v Garner Keith Train*, Case Nos. 14-119-JC; 15-5-GA, in violation of MCR 9.104(9). The parties further stipulated that the respondent's license to practice law be suspended for 30 days and that he pay restitution in the amount of \$2,000. The respondent shall also be subject to conditions relevant to the admitted misconduct.

The hearing panel ordered that the respondent's license to practice law in Michi-

gan be suspended for 30 days, effective December 15, 2015, as stipulated by the parties. Additionally, the panel ordered that the respondent pay restitution in the amount of \$2,000 and be subject to conditions relevant to the established misconduct. Total costs were assessed in the amount of \$1,167.05.

1. Respondent has been continuously suspended from the practice of law since May 15, 2015. Please see Notice of Suspension and Restitution With Conditions (By Consent) issued May 18, 2015.

Suspension Pursuant to MCR 9.115(H)(2)

Satch U. Ejike, P58701, Bloomfield Hills, by the Attorney Discipline Board, Tri-County Hearing Panel #72, effective January 27, 2016.

After being properly served with the formal complaint and the notice of hearing, the panel was advised that the respondent was unable to appear at the hearing due to "prolonged ill-health."

The hearing panel ordered that the respondent's license to practice law in Michigan be suspended pursuant to MCR 9.115(H)(2), effective January 27, 2016, and until further order of the hearing panel or the Attorney Discipline Board.

Interim Suspension Pursuant to MCR 9.115(H)(1)

Trevor Russell Johnson, P73344, Rochester, by the Attorney Discipline Board, Tri-County Hearing Panel #108, effective January 13, 2016.

The panel issued an order of interim suspension of the respondent's license, effective January 13, 2016, based on his failure to appear at a hearing scheduled for January 4, 2016.

After being properly served with the formal complaint and the notice of hearing, the respondent failed to personally appear at the January 4, 2016 hearing. After satisfactory proofs were entered that the respondent possessed actual notice of the proceedings, the hearing panel, in accordance with MCR 9.115(H)(1), determined that the respondent's failure to appear warranted an interim suspension from the practice of law until further order of the panel.

On January 6, 2016, the panel issued an order of suspension pursuant to MCR 9.115(H)(1), effective January 13, 2016, and until further order of the panel or the Board.

Suspension (With Conditions)

Lennox Emanuel, P59251, Detroit, by the Attorney Discipline Board, Tri-County

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Hearing Panel #8, for 30 days, effective January 28, 2016.

The respondent appeared at the hearings and filed an answer to the formal complaint. The hearing panel found that the respondent, in a personal injury matter, failed to keep property separate when two or more persons (one of whom may be the lawyer) claim an interest in the property until the dispute is resolved, in violation of MRPC 1.15(c); failed to hold property of clients or third persons in connection with

a representation separate from the lawyer's own property, by failing to deposit all client or third-person funds in an IOLTA or non-IOLTA, in violation of MRPC 1.15(d); violated or attempted to violate the Michigan Rules of Professional Conduct, contrary to MRPC 8.4(a); and violated the standard or rules of professional responsibility adopted by the Supreme Court, contrary to MCR 9.104(4).

The panel ordered that the respondent's license to practice law in Michigan be sus-

pended for 30 days and that he be subject to conditions relevant to the established misconduct. Costs were assessed in the amount of \$2,815.29.

Suspension With Conditions (By Consent)

Kimberly A. Henderson, P47598, Shelby Township, by the Attorney Discipline Board, Tri-County Hearing Panel #103, for 179 days, effective December 29, 2015.

The respondent and the grievance administrator filed a stipulation for a consent order of discipline in accordance with MCR 9.115(F)(5), which was approved by the Attorney Grievance Commission and accepted by the hearing panel. Based on the respondent's admissions, she was convicted (1) for the misdemeanor offense of open intoxicants in a vehicle, in violation of MCL 257.624a, in the 87-C District Court; and (2) for the misdemeanor offense of domestic violence, in violation of MCL 750.812, in the 52-3 District Court. Based on the respondent's convictions and her admissions in the stipulation, the hearing panel found that she engaged in conduct that violated the criminal laws of the state of Michigan, contrary to MCR 9.104(5).

In accordance with the stipulation of the parties, the hearing panel ordered that the respondent's license to practice law in Michigan be suspended for 179 days, with conditions relevant to the established misconduct. Costs were assessed in the amount of \$849.34.

Transfer to Inactive Status (By Consent)

John H. Dise Jr., P27266, Telluride, Colorado, by the Attorney Discipline Board, Tri-County Hearing Panel #77, effective December 23, 2015.

The grievance administrator and the respondent filed a stipulation containing the agreement of the parties that the respondent be transferred to inactive status and until such time as he may be reinstated in accordance with MCR 9.121(E).

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