

## Disbarment and Restitution

**Jonathan F. Rosenthal**, P66851, Franklin, by the Attorney Discipline Board, Tri-County Hearing Panel #72, effective February 21, 2018.<sup>1</sup>

Based on the respondent's default, the hearing panel found that he committed professional misconduct when he inflated costs for an expert witness while representing four plaintiffs in a civil suit and then failed to pay the expert's fee resulting in the plaintiffs having to withdraw their suit; misrepresented to

another client the amount of court-ordered sanctions; failed to pay court reporter invoices resulting in the entry of a civil judgment against the respondent; and failed to respond to two requests for investigation.

Specifically, the panel found that the respondent neglected a legal matter entrusted to him and handled a legal matter he should have known he was not competent to handle, in violation of MRPC 1.1(a) and (c); failed to seek the lawful objectives of a client through reasonably available means permitted by law, in violation of MRPC 1.2(a);

failed to keep a client reasonably informed and failed to explain a matter to the extent necessary for a client to make informed decisions, in violation of MRPC 1.4(a) and (b); failed to promptly pay or deliver funds provided by his clients for payment of litigation costs that a third person was entitled to receive, and failed to render a proper accounting, in violation of MRPC 1.15(b)(3); failed to hold client funds separate from his own, failed to deposit funds in an IOLTA or non-IOLTA trust account, and failed to otherwise safeguard funds provided by his clients for litigation costs, in violation of MRPC 1.15(d); upon termination of the representation, failed to take reasonable steps to protect the client's interest, in violation of MRPC 1.16(d); failed to respond to a lawful demand for information from a disciplinary authority, in violation of MRPC 8.1(a)(2); and failed to answer a request for investigation, in violation of MCR 9.104(7), MCR 9.113(A), and MCR 9.113(B)(2). The respondent was also found to have violated MCR 9.104(1)–(4) and MRPC 8.4(a)–(c).

The panel ordered that the respondent be disbarred from the practice of law in Michigan and that he pay restitution in the total amount of \$22,812.25. Costs were assessed in the amount of \$1,998.50.

1. The respondent has been continuously suspended from the practice of law in Michigan since December 12, 2017. Please see Notice of Interim Suspension Pursuant to MCR 9.115(H)(1), issued December 15, 2017.

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### 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:

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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**

## Disbarment and Restitution (Pending Review)

**Harold C. MacDonald**, P16912, Troy, by the Attorney Discipline Board, Tri-County Hearing Panel #105, effective March 16, 2018.

The hearing panel found that the respondent committed acts of professional misconduct in his conversion of funds from a client's living trust and another client's estate, and by failing to respond to two separate requests for investigation. Specifically, the respondent failed to keep a client reasonably informed about the status of their matter and failed to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation, in violation of MRPC 1.4(a) and (b); failed to promptly pay or deliver

funds that the client or third person was entitled to receive and failed to promptly render a full accounting of such funds, in violation of MRPC 1.15(b)(3); failed to appropriately safeguard client funds by maintaining them in an IOLTA and/or client trust account, and converting the funds, in violation of MRPC 1.15(d); failed to appropriately safeguard other client property in a storage facility and in his former office space, in violation of MRPC 1.15(d); upon termination of the representation, failed to return client property consisting of the client's funds to the client, in violation of MRPC 1.16(d); knowingly failed to respond to a lawful demand for information from a disciplinary authority, in violation of MRPC 8.1(a)(2); and failed to answer a request for investigation in conformity with MCR 9.113(A), in violation of MCR 9.104(7). The respondent was also found to have violated MCR 9.104(1)–(4) and MRPC 8.4(a)–(c).

The panel ordered that the respondent be disbarred from the practice of law in Michigan. The respondent was also ordered to pay restitution totaling \$160,545.33. The respondent filed a petition for review, and this matter has been scheduled for hearing before the Attorney Discipline Board. Total costs were assessed in the amount of \$3,398.19.

### Order Finding Misconduct and Imposing “No Discipline”

**Vanessa F. McCamant**, P68254, Grand Rapids, by the Attorney Discipline Board, Kent County Hearing Panel #4, effective March 21, 2018.

The respondent was convicted, by guilty plea, of operating under the influence of liquor (OUIL), a misdemeanor, in violation of MCL 257.6251-A, in *People v Vanessa Fosse McCamant*, 63rd District Court Case No. D1700020. Based on the respondent's conviction, the panel found that she engaged in conduct that violated a criminal law of a state or of the United States, an ordinance, or tribal law pursuant to MCR 2.615, contrary to MCR 9.104(5).

The panel found that the respondent committed misconduct, but imposed no discipline. Costs were assessed in the amount of \$1,151.43.

### Automatic Reinstatements

**Robert M. Craig**, P35139, Livonia, pursuant to MCR 9.123(A), February 12, 2018.

The respondent was suspended from the practice of law in Michigan for 179 days, effective August 8, 2017. In accordance with MCR 9.123(A), the suspension was terminated with the respondent's filing of an affidavit with the clerk of the Michigan Supreme Court, attesting to his full compliance with the terms and conditions of the Order of Suspension with Conditions (By Consent) issued in this matter.

**Richard K. Gienapp**, P32159, Brighton, pursuant to MCR 9.123(A), January 31, 2018.

The respondent was suspended from the practice of law in Michigan for 179 days, effective July 28, 2017. In accordance with MCR 9.123(A), the suspension was terminated with the respondent's filing of an affidavit with the clerk of the Michigan Supreme

Court, attesting to his full compliance with the terms and conditions of the Order of Suspension (By Consent) issued in this matter.

**Kimberly A. Henderson**, P47598, Shelby Township, pursuant to MCR 9.123(A), March 20, 2018.

The respondent was suspended from the practice of law in Michigan for 179 days, effective December 29, 2015. In accordance with MCR 9.123(A), the suspension was terminated with the respondent's filing of an affidavit with the clerk of the Michigan Supreme Court, attesting to her full compliance with the terms and conditions of the Order of Suspension With Conditions (By Consent) issued in this matter.

**Chad M. Lucia**, P41277, Flint, pursuant to MCR 9.123(A), February 20, 2018.

The respondent was suspended from the practice of law in Michigan for 30 days, effective January 16, 2018. In accordance with

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- Past chairperson, SBM Committee on Professional Ethics
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### ERICA N. LEMANSKI

- Member, SBM Committee on Professional Ethics
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MCR 9.123(A), the suspension was terminated with the respondent's filing of an affidavit with the clerk of the Michigan Supreme Court, attesting to his full compliance with the terms and conditions of the Order of Suspension (By Consent) issued in this matter.

**Dirk Marinus Roskam**, P62988, Celebration, Florida, pursuant to MCR 9.123(A), February 13, 2018.

The respondent was suspended from the practice of law in Michigan for 179 days, effective July 7, 2017. In accordance with MCR 9.123(A), the suspension was terminated

with the respondent's filing of an affidavit with the clerk of the Michigan Supreme Court, the Board, and the administrator, attesting to his full compliance with the terms and conditions of the Order of Suspension (By Consent) issued in this matter.

**Craig A. Tank**, P58360, Detroit, pursuant to MCR 9.123(A), February 26, 2018.

The respondent was suspended from the practice of law in Michigan for 179 days, effective September 1, 2017. In accordance with MCR 9.123(A), the suspension was terminated with the respondent's filing of an

affidavit with the clerk of the Michigan Supreme Court, attesting to his full compliance with the terms and conditions of the Order of Suspension With Conditions (By Consent) issued in this matter.

### Reinstatements (With Conditions)

**Jeanette M. Riley**, P42517, Waterford, by the Attorney Discipline Board, Tri-County Hearing Panel #81, effective February 6, 2018.

The petitioner has been suspended from the practice of law in Michigan since July 18, 2014. Her petition for reinstatement, filed in accordance with MCR 9.123(B) and MCR 9.124, was granted by Tri-County Hearing Panel #81, which concluded that the petitioner had satisfactorily established her eligibility for reinstatement in accordance with those court rules. The panel issued an order of eligibility for reinstatement with the condition that the petitioner file written proof of payment of Bar dues in accordance with Rules 2 and 3 of the Supreme Court Rules concerning the State Bar of Michigan before the petitioner could be reinstated to the practice of law in Michigan. The hearing panel also imposed additional conditions which will be effective upon the petitioner's reinstatement to the practice of law in Michigan.

The Board received written proof that the petitioner had paid dues to the State Bar of Michigan, and issued an order of reinstatement with conditions on February 6, 2018. Total costs were assessed in the amount of \$1,164.82.

**Ronald J. Varga**, P34361, Petoskey, by the Attorney Discipline Board, Tri-County Hearing Panel #12, effective February 2, 2018.

The petitioner has been suspended from the practice of law in Michigan since April 1, 2017. His petition for reinstatement, filed in accordance with MCR 9.123(B) and MCR 9.124, was granted by Tri-County Hearing Panel #12, which concluded that the petitioner had satisfactorily established his eligibility for reinstatement in accordance with those court rules. The panel issued an order of eligibility for reinstatement with the condition that the petitioner file written proof of payment of Bar dues in accordance with

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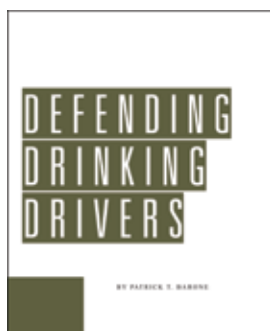
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Rules 2 and 3 of the Supreme Court Rules concerning the State Bar of Michigan before the petitioner could be reinstated to the practice of law in Michigan. The hearing panel also imposed an additional condition which became effective upon the petitioner's reinstatement to the practice of law in Michigan.

The Board received written proof that the petitioner had paid dues to the State Bar of Michigan, and issued an order of reinstatement with condition on February 5, 2018. Total costs were assessed in the amount of \$378.

### Reprimand

**Martin F. Musser**, P37370, Williamston, by the Attorney Discipline Board, Ingham County Hearing Panel #7, effective February 15, 2018.

After proceedings in accordance with MCR 9.115, the hearing panel found that the respondent committed professional misconduct when he failed to answer the formal complaint in conformity with MCR 9.115(D), in violation of MCR 9.104(7); and violated or attempted to violate the Michigan Rules of Professional Conduct, contrary to MRPC 8.4(a).

The panel ordered that the respondent be reprimanded. Costs were assessed in the amount of \$1,858.80.

### Reprimands (By Consent)

**Neal A. Cooper**, P66700, Southfield, by the Attorney Discipline Board, Tri-County Hearing Panel #108, effective March 15, 2018.

The respondent and the grievance administrator filed a Stipulation for Consent Order of Reprimand in accordance with MCR 9.115(F)(5), which was approved by the Attorney Grievance Commission and accepted by the hearing panel. The stipulation contained the respondent's admission that he was convicted in a matter titled *People of the City of Novi v Neal A. Cooper*, 52-1 District Court Case No. 16-005018-OD, of operating while impaired, in violation of MCL 257.6253-A. Based on the respondent's conviction and his admission in the stipulation, it was established that the respondent

engaged in conduct that violated a criminal law of a state, contrary to MCR 9.104(5).

In accordance with the stipulation of the parties, the hearing panel ordered that the respondent be reprimanded. Costs were assessed in the amount of \$770.88.

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**David M. Korrey**, P23563, Las Vegas, Nevada, by the Attorney Discipline Board, Tri-County Hearing Panel #63, effective March 7, 2018.

In a reciprocal discipline proceeding under MCR 9.120(C), the grievance administrator filed a certified copy of an Order of Suspension with Probation, suspending the respondent's license to practice law for a period of three months, with the suspension stayed in favor of six months of probation, effective July 11, 2017, entered by the Supreme Court of the State of Nevada, *In the Matter of Discipline of David M. Korrey*, Bar No. 6385. The Nevada Supreme Court determined that the respondent committed the following misconduct: diligence ([M]RPC 1.3); safekeeping property ([M]RPC 1.15(d)); responsibilities regarding nonlawyer assistants ([M]RPC 5.3(b)); unauthorized practice of law ([M]RPC 5.5(a)(2)); and misconduct ([M]RPC 8.4(a)). 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. The stipulation contains the parties' agreement that a reprimand constitutes comparable discipline in this matter.

In accordance with the stipulation of the parties, the panel ordered that the respondent be reprimanded. Costs were assessed in the amount of \$750.

**Robert A. Stevens**, P44332, Detroit, by the Attorney Discipline Board, Tri-County Hearing Panel #14, effective March 20, 2018.

The respondent and the grievance administrator filed a Stipulation for Consent Order of Reprimand in accordance with MCR 9.115(F)(5), which was approved by the Attorney Grievance Commission and accepted by the hearing panel. The stipulation contained the respondent's admission that he was convicted in a matter titled *People of the State of Michigan v Robert Alan Stevens*, 42nd District Court Case No. C170064A-SD, of operating while intoxicated, a misdemeanor, in violation of MCL 257.6251-A. Based on the respondent's conviction and his admission in the stipulation, it has been established that the respondent engaged in conduct that violated a criminal law of a

state or of the United States, an ordinance, or tribal law pursuant to MCR 2.615, contrary to MCR 9.104(5).

In accordance with the stipulation of the parties, the hearing panel ordered that the respondent be reprimanded. Costs were assessed in the amount of \$763.92.

**Dana F. Wilson**, P23899, Hazel Park, by the Attorney Discipline Board, Tri-County Hearing Panel #67, effective February 14, 2018.

The respondent and the grievance administrator filed a Stipulation for Consent 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 and the stipulation of the parties, the panel found that the respondent failed to seek the lawful objectives of his client through reasonably available means permitted by law, in violation of MRPC 1.2(a); failed to conduct himself with reasonable diligence and promptness in representing a client, in violation of MRPC 1.3; failed to keep his client reasonably informed about the status of a matter, in violation of MRPC 1.4(a); and failed to explain a matter to the extent reasonably necessary to permit his client to make informed decisions regarding the representation, in violation of MRPC 1.4(b). The respondent was also found to have violated MCR 9.104(1)-(3) and MRPC 8.4(a) and (c).

In accordance with the stipulation of the parties, the panel ordered that the respondent be reprimanded. Costs were assessed in the amount of \$757.71.

## Reprimand With Conditions (By Consent)

**Neil A. Chaness**, P40079, Farmington Hills, by the Attorney Discipline Board, Tri-County Hearing Panel #62, effective March 7, 2018.

The respondent and the grievance administrator filed a Stipulation for Consent Discipline in accordance with MCR 9.115(F)(5), which was approved by the Attorney Grievance Commission and accepted by the hearing panel. The stipulation contained the respondent's admissions to the allegations that

he committed acts of professional misconduct as the result of his improper use of an IOLTA account. An overdraft of the IOLTA account occurred when the respondent deposited money constituting earned fees into his IOLTA account and immediately issued checks against those funds before the checks cleared the bank. Based on the respondent's admissions and the stipulation of the parties, the panel found that the respondent deposited his own funds in a client trust account in an amount more than reasonably necessary to pay financial institution service charges or fees or to obtain a waiver of service charges or fees, in violation of MRPC 1.15(f). The respondent was also found to have violated MCR 9.104(2) and (3); and MRPC 8.4(a).

In accordance with the stipulation of the parties, the panel ordered that the respondent be reprimanded, attend two seminars offered by the State Bar of Michigan, and be subject to additional conditions relevant to the established misconduct. Costs were assessed in the amount of \$826.80.

### Suspension

**Paul Joseph Spurgeon**, P74002, Royal Oak, by the Attorney Discipline Board, Tri-County Hearing Panel #26, for 180 days, effective March 13, 2018.<sup>1</sup>

The respondent was convicted, by a plea of guilty, of operating a vehicle while impaired by alcohol, in violation of MCL 257.6253-A-ORD, in *People of the City of Oak Park v Paul Joseph Spurgeon*, 45th District Court Case Nos. 1401068OP; 1401068OPA; 14OP03792. Additionally, in *People of the City of Royal Oak v Paul Joseph Spurgeon*, 44th District Court Case No. 14-83166, the respondent was convicted, by a plea of nolo contendere, of disorderly conduct, in violation of PACC 069-23-ORD. Based on the respondent's convictions, the panel found that he engaged in conduct that violated a criminal law of a state or of the United States, an ordinance, or tribal law pursuant to MCR 2.615, contrary to MCR 9.104(5); and engaged in conduct that involved dishonesty, fraud, deceit, misrepresentation, or a violation of the criminal law, where such conduct reflected adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer, contrary to MRPC 8.4(b).

The panel ordered that the respondent's license to practice law in Michigan be suspended for 180 days. Costs were assessed in the amount of \$1,649.40.

1. The respondent has been continuously suspended from the practice of law in Michigan since February 6, 2018. Please see Order of Interim Suspension Pursuant to MCR 9.115(H)(1) [Failure to Appear], issued January 30, 2018.

### Suspension and Restitution

**Lila Sljivar**, P64301, Brooklyn, New York, by the Attorney Discipline Board, Tri-County Hearing Panel #101, for one year, effective February 9, 2018.

Based on the respondent's default, the hearing panel found that she committed professional misconduct by neglecting an immigration matter entrusted to her, failing to return an unearned fee, and failing to answer a request for investigation.

The panel found that the respondent neglected a legal matter entrusted to her, in violation of MRPC 1.1(c); failed to keep her client reasonably informed about the status of his matter or comply promptly with his reasonable requests for information, in violation of MRPC 1.4(a); failed to give reasonable notice, return papers and property, return an unearned fee, or take other actions to protect her client's interests upon termination of representation, in violation of MRPC 1.16(d); and failed to answer a request for investigation within the time prescribed, in violation of MCR 9.104(7), MCR 9.113(A), and MCR 9.113(B)(2). The respondent was also found to have violated MCR 9.104(1)–(3), and MRPC 8.4(c).

The panel ordered that the respondent's license to practice law in Michigan be suspended for one year and that she be required to pay restitution totaling \$2,000. Costs were assessed in the amount of \$1,855.41.

## Receivership?



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## Suspensions and Restitution (With Conditions)

**Ronald Thomas Bruce Jr.**, P62579, Monroe, by the Attorney Discipline Board, reducing Tri-County Hearing Panel #3's order of 18-month suspension to a 270-day suspension, effective June 30, 2017.

As alleged in the 10-count formal complaint and established by the respondent's answer to the formal complaint, the evidence submitted, testimony submitted, and the admissions by the respondent, the hearing panel found that the respondent committed professional misconduct by neglecting three client matters, violating an order from the United States Bankruptcy Court, failing to refund unearned fees, and failing to answer various requests for investigation and requests for addition information from the Attorney Grievance Commission.

The panel found that the respondent failed to refund an advance payment of fee that had not been earned, in violation of MRPC 1.16(d) (Counts One, Three, and Five); knowingly disobeyed an obligation under the rules of a tribunal, in violation of MRPC 3.4(c) (Count Two); failed to respond to a lawful demand for information from a disciplinary authority, in violation of MRPC 8.1(a)(2) (Counts One–Ten); failed to answer a request for investigation in conformity with MCR 9.113, in violation of MCR 9.104(7) (Counts One–Two, Four–Ten); and failed or refused to appear or give evidence, and to be sworn or affirmed, after being commanded by a subpoena, in violation of MCR 9.112(D)(2) (Counts One–Three, Five, and Ten). The respondent was also found to have violated MCR 9.104(1), (2), and (4); and MRPC 8.4(a) and (c).

The panel ordered that the respondent's license to practice law be suspended for 18 months, that the respondent pay restitution in the aggregate amount of \$2,600, and that the respondent comply with a condition relevant to the established misconduct. The respondent filed a petition for review requesting a reduction in discipline. Upon review, the Board reduced the hearing panel's order of an 18-month suspension to a suspension of 270 days, effective June 30, 2017. Costs were assessed in the amount of \$2,455.55.

**Richard Shant Norsigian**, P77410, Royal Oak, by the Attorney Discipline Board, Tri-County Hearing Panel #64, for 60 days, effective February 14, 2018.

Based on the respondent's default and his admissions at the November 29, 2017 hearing, the hearing panel found that the respondent committed acts of professional misconduct while handling an eviction matter, a notary fraud action, and a quiet title action.

The panel specifically found that the respondent neglected a legal matter entrusted to him, in violation of MRPC 1.1(c); failed to seek the lawful objectives of a client by filing a motion for reconsideration without client consent, in violation of MRPC 1.2(a); failed to act with reasonable diligence and promptness in representing a client, in violation of MRPC 1.3; failed to surrender property and papers to which the client was entitled and to refund the advance payment of a fee that has not been earned upon termination of the representation, in violation of MRPC 1.16(d); and failed to answer a request for investigation, in violation of MCR 9.104(7), MCR 9.113(A), and (B)(2), and MRPC 8.1(a)(2). The respondent was also found to have violated MCR 9.104(1)–(3) and MRPC 8.4(a) and (c).

The hearing panel ordered that the respondent's license to practice law in Michigan be suspended for 60 days, with conditions relevant to the established misconduct, and that the respondent pay restitution. Total costs were assessed in the amount of \$1,851.22.

**Terry A. Price**, P43003, Detroit, by the Attorney Discipline Board, Tri-County Hearing Panel #28, for 300 days, effective February 21, 2018.

After proceedings in accordance with MCR 9.115, the hearing panel found that the respondent committed professional misconduct in his representation of a client in a criminal matter. The respondent attended his client's preliminary exam, but failed to appear for trial or a show cause hearing. The respondent also failed to communicate with successor counsel or send the file to successor counsel.

The panel found that the respondent neglected a legal matter entrusted to him,

in violation of MRPC 1.1(c); failed to act with reasonable diligence and promptness in representing his client, in violation of MRPC 1.3; failed to take reasonable steps to protect his client's interests upon termination of the representation, in violation of MRPC 1.16(d); failed to surrender papers and property to which the client was entitled, in violation of MRPC 1.16(d); and knowingly disobeyed an obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists, in violation of MRPC 3.4(c). The respondent was also found to have violated MCR 9.104(1)–(3); and MRPC 8.4(c).

The panel ordered that the respondent's license to practice law be suspended for 300 days and that he be required to pay restitution to Marquis Palmer in the amount of \$9,000. Costs were assessed in the amount of \$2,483.57.

## Suspension (By Consent)

**William C. Brown**, P33871, Owosso, by the Attorney Discipline Board, Genesee County Hearing Panel #3, for 180 days, effective March 17, 2018.

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, plea of no contest, and the stipulation of the parties, the panel found that the respondent committed professional misconduct in his representation of Jack and Ruth Walworth and eventually in his capacity as trustee of their respective trusts.

Specifically, the panel found that the respondent handled a legal matter which the lawyer knew or should have known that the lawyer was not competent to handle, in violation of MRPC 1.1(a); charged and/or collected an illegal or clearly excessive fee, in violation of MRPC 1.5(a); and failed to take reasonable efforts to correct a misunderstanding of an unrepresented party regarding a lawyer's interest, in violation of MRPC 4.3. The respondent was also found to have violated MCR 9.104(1)–(3).

The panel ordered that the respondent's license to practice law be suspended for 180 days. Costs were assessed in the amount of \$1,279.49.

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

**Paul Joseph Spurgeon**, P74002, Royal Oak, by the Attorney Discipline Board, Tri-County Hearing Panel #26, effective February 6, 2018.

The respondent failed to appear at the January 30, 2018 hearing. On January 30, 2018, the hearing panel, in accordance with MCR 9.115(H)(1), issued an order of suspension effective February 6, 2018, and until further order of the panel or the Board.

### Suspensions (With Conditions)

**Mickey Larson**, P75903, Sparta, by the Attorney Discipline Board, Kent County Hearing Panel #3, for 180 days, effective March 20, 2018.

Based on the respondent's default, the hearing panel found that he committed professional misconduct in his representation of a client in a civil action related to a police search of her home, and in his representation of separate clients after filing a nuisance complaint on their behalf. The respondent also failed to answer a request for investigation and appear pursuant to a subpoena issued by the Attorney Grievance Commission.

The panel found that the respondent neglected two legal matters, in violation of MRPC 1.1(a); failed to seek the lawful objectives of a client, in violation of MRPC 1.2(a); failed to act with reasonable diligence and promptness in representing his clients, in violation of MRPC 1.3; failed to keep his clients reasonably informed about the status of their matters and comply with reasonable requests for information, in violation of MRPC 1.4(a); failed to explain a legal matter to his clients to the extent reasonably necessary to permit the clients to make informed decisions regarding the representation, in violation of MRPC 1.4(b); knowingly disobeyed an obligation under the rules of a tribunal, in violation of MRPC 3.4(c); and

failed to answer a request for investigation in conformity with MCR 9.113(A), in violation of MCR 9.104(7). The respondent was also found to have violated MCR 9.104(1)–(4); and MRPC 8.4(a).

The panel ordered that the respondent's license to practice law be suspended for 180 days and that he be required to participate in evaluation and treatment of his health issues by duly licensed health professional(s) during his suspension and provide copies of monthly progress reports to the grievance administrator. Costs were assessed in the amount of \$2,107.24.

**Benjamin N. Rucker**, P39497, Lansing, by the Attorney Discipline Board, Ingham County Hearing Panel #5, for 180 days, effective March 16, 2018.<sup>1</sup>

The respondent was found guilty of direct criminal contempt by the 35th Circuit Court, for appearing before the court while visibly intoxicated. Based on this, the panel found that the respondent violated the criminal laws of the state of Michigan, contrary to MCR 9.104(5). Additionally, based on the respondent's default for failing to answer the formal complaint, the hearing panel found that the respondent committed professional misconduct by failing to report his criminal contempt conviction and by failing to respond to two requests for investigation.

The panel found that the respondent failed to report his conviction, in violation of MCR 9.120(A)(1); violated, or attempted to violate, the Michigan Rules of Professional Conduct, contrary to MRPC 8.4(a); failed to answer two requests for investigation, in violation of MCR 9.104(7), MCR 9.113(A), and (B)(2); and engaged in conduct that involved dishonesty, fraud, deceit, misrepresentation, or violation of the criminal law, where such conduct reflected adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer, contrary to MRPC 8.4(b). The respondent was also found to have violated MCR 9.104(1)–(4); and MRPC 8.4(a) and (c).

The panel ordered that the respondent's license to practice law in Michigan be suspended for 180 days. The panel also ordered that, at the time he petitions for reinstatement, the respondent will be required

to include an evaluation showing that he is both mentally and medically fit to practice law. Costs were assessed in the amount of \$1,872.26.

1. The respondent has been continuously suspended from the practice of law in Michigan since December 26, 2017. Please see Notice of Interim Suspension Pursuant to MCR 9.115(H)(1), issued January 2, 2018.

### Amended<sup>1</sup> Suspension (With Condition)

**Michael A. Capuzzi**, P47152, Pompano Beach, Florida, by the Attorney Discipline Board, Tri-County Hearing Panel #107, for 90 days, effective April 2, 2018.

The respondent was convicted of two counts of simple assault, in violation of MCL 750.81, and pled nolo contendere to one count of malicious use of a telecommunications device, in violation of MCL 750.540e, in *People of the State of Michigan v Michael Anthony Capuzzi*, 53rd Circuit Court Case No. 15-005132-FH-P. Based on the respondent's convictions, the panel found that he engaged in conduct that violated a criminal law of a state, contrary to MCR 9.104(5).

The panel ordered that the respondent's license to practice law in Michigan be suspended for 90 days. Costs were assessed in the amount of \$2,539.38.

1. The Notice of Suspension With Condition issued on March 15, 2018, incorrectly recites that the respondent was convicted of two counts of assault and battery. The respondent's conviction was for simple assault, but not battery. The Judgment of Sentence (Attachment A) to the Notice of Filing of Judgment of Conviction contained errors made by the court which were later corrected. (See Exhibit 6.)



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