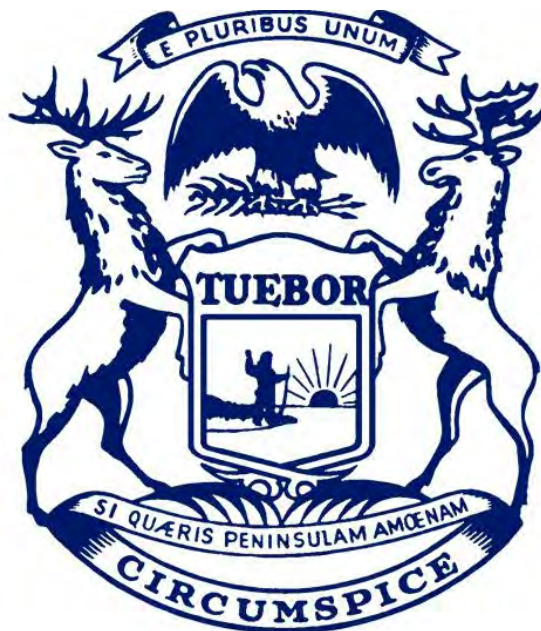


# STATE OF MICHIGAN

## Attorney Discipline Board and Attorney Grievance Commission

# 2013 JOINT ANNUAL REPORT



**ATTORNEY DISCIPLINE BOARD**  
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**STATE OF MICHIGAN**  
**ATTORNEY GRIEVANCE COMMISSION**

**Annual Report**

**January 1, 2013 to December 31, 2013**

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

## **Attorney Grievance Commission Members**

**Barbara B. Smith, Chairperson**  
Bloomfield Hills, MI

**Charles S. Kennedy, III, Vice-Chairperson**  
Royal Oak, MI

**Jeffrey T. Neilson, Secretary**  
Bloomfield Hills, MI

**Rozanne Sedler, Member\***  
Oak Park, MI

**Rev. Douglas Ward Gallager, Member\***  
Beverly Hills, MI

**Pastor R. B. Ouellette, Member\***  
Saginaw, MI

**Wanda M. Stokes, Member**  
Lansing, MI

**Valerie R. White, Member**  
Coldwater, MI

**Victor Fitz, Member**  
Cassopolis, MI

\*denotes non-lawyer member

# **Attorney Grievance Commission Staff**

(As of 12/31/13)

Robert L. Agacinski, Grievance Administrator

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

Marissa LaRocque, Office Manager

## Associate Counsel:

Ruthann Stevens	Nancy R. Alberts
Stephen P. Vella	Dina P. Dajani
Patrick K. McGlenn	Rhonda Spencer Pozehl
Frances A. Rosinski	Todd A. McConaghy
Emily A. Downey	John K. Burgess
Kimberly L. Uhuru	

Investigators: Roger Schutter  
Thomas Turkaly  
Rhonda Warner

Administrative Assistant: Gina Jaafar

Paralegal: Erin Farler

Investigative Assistants: Corinne Adcock  
Jason Miciuda

Secretaries: Jane Brown  
Yulanda Burgess  
Misty Primeau  
Demetra Eason  
Charlene Varacalli

Clerks: Rosa Fernandez  
Monica Garza  
Barbara Todd

Receptionist: Margarita Kipreos

# **State of Michigan**

## **Attorney Grievance Commission**

### **Annual Report**

**January 1, 2013 – December 31, 2013**

#### **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 prosecution 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 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.

On September 30, 2013, Board Chairperson David L. Porteous of Reed City, Michigan, completed his second, three-year term as a member of the Commission. The members and staff of the Commission are indebted to Mr. Porteous for his dedication and leadership.

The Commission'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 commencing October 1, 2013 and ending September 30, 2014, are Barbara B. Smith of Bloomfield Hills, Chairperson; Charles S. Kennedy, III of Royal Oak, Vice-Chairperson and Jeffrey T. Neilson of Bloomfield Hills, Secretary.

### **The Grievance Administrator's Staff**

The Grievance Administrator and Deputy Administrator are appointed by the Supreme Court pursuant to MCR 9.111. The Grievance Administrator is empowered under MCR 9.111 to hire legal and support staff, with the approval of the Commission. During the year 2013, the Grievance Administrator supervised a staff of thirteen attorneys, three investigators and fourteen 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 attorney 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 Administrator against an attorney, or when the 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 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 pursuant to MCR 9.114 and MCR 9.115, a diversion program where minor misconduct is significantly related to alcohol or other substance abuse, or other impairment; (3) the respondent attorney be admonished, 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. The Administrator must inform the complainant and, if the respondent answered the Request for Investigation, the respondent of the final disposition of every Request for Investigation.

## Investigations

During 2013, the Commission docketed **2,837** Requests for Investigation [grievances]. This number includes **318** Requests for Investigation generated under the Trust Account Overdraft Notification (TAON) rule, which requires notification to the Grievance Administrator by a financial institution when a lawyer has overdrawn his or her client trust account. Appendix A (page 9 of this report) includes a 10 year comparison of the Requests for Investigation filed since 2004.

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, 2013 and 2012**

Subject Matter	% of Total Grievances 2013	% of Total Grievances 2012
Criminal law	38	29
Domestic relations	14	14
Probate law	8	7
Commercial litigation	6	5
Bankruptcy law	5	4
Real estate transactions	4	3
Insurance law	2	2
Employment/labor law	2	2
All Others	14	28

Table 2 (below) compares the final disposition of the grievances resolved by the Grievance Administrator or the Grievance Commission in 2013, compared to 2012. The **2,773** dispositions in 2013 included **2,241** grievances dismissed by the Grievance Administrator pursuant to MCR 9.112(C)(1)(a) and MCR 9.114(A)(1); **265** grievances closed by the Commission; **128** admonitions issued by the Commission; **27** contractual probations approved by the Commission; and **112** individual grievances approved by the Commission for the filing of a formal complaint.

**Table 2 – Disposition of Grievances, 2013 and 2012**

	2013	2012
Total Grievance Received	2,869	2,943
Total Grievances Disposed <sup>1</sup>	2,773	2,980
Rejected by the GA or Closed in Intake	2,241	2,335
Total Disposed of by the Commission after full investigation	532	625
Closed by the Commission	265	228
Admonishments	128	162
Contractual Probation	27	30
Approved for Formal Complaint <sup>2</sup>	112	205

There were **993** open investigative files pending with the AGC on January 1, 2013. On December 31, 2013, the open investigative caseload was **1,029**.

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<sup>1</sup> The dispositions of grievances for a particular year are not necessarily dispositions of all grievances filed for that year. The dispositions for 2013 included grievances filed before January 1, 2013, and some of the grievances filed during the year were pending on January 1, 2014.

<sup>2</sup> The number of individual grievances approved by the Commission for the filing of a formal complaint does not necessarily correlate directly to the number of new formal complaints filed with the Attorney Discipline Board. Multiple grievances against a single Respondent, all of which have been approved for prosecution, may be, and often are, consolidated in a single complaint for purposes of efficiency and judicial economy.

## 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 Administrator filed **81** formal complainants in 2013, compared to **91** filed in 2012. Appendix A (page 9) 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 **24** new matters in 2013 based on an attorney's criminal convictions, compared to **18** convictions filed in 2012.

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 **11** cases in 2013, compared to **10** in 2012.

The Grievance Administrator is also a party in ADB reinstatement proceedings initiated by attorneys who have been suspended for more than 180 days. 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 is a party to a reinstatement proceeding and may contest the petitioner's eligibility for reinstatement. Eleven (**11**) reinstatement petitions were filed in 2013, compared to **10** in 2012.

Finally, 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 Administrator instituted **5** such proceedings in 2013, compared to **2** in 2012.

## **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 (ADB) seeking review of the hearing panel's decision. During the year 2013, the ADB ruled on **10** petitions for review following briefing and oral arguments presented by the Administrator and the respondent. The Administrator, the respondent and the complainant may also appeal a decision by the Board to the Supreme Court which may, in its discretion grant leave to appeal.

### **Appeals to the Supreme Court:**

The Grievance Administrator is also a party in complaints for superintending controls filed with the Michigan Supreme Court by complainants who disagree with the decisions of the Administrator or the Grievance Commission to reject or close an investigative file. The Grievance Administrator filed an appearance in **32** matters filed with the Supreme Court in 2013.

### **Reconsideration:**

Apart from the formal review or appeal processes, the Grievance Administrator has a long-standing policy of accepting requests for reconsideration of files closed by the Administrator 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 the Commission, 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 1.119(G), if an attorney leaves the practice of law, (whether or not for disciplinary reasons), disappears, or dies 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 **13** new receivership files in 2013. Two receiverships were closed during the year-end, **22** open receivership files were pending at the end of the year.

### **Federal Reinstatement 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 Administrator as an interested party in reinstatement proceedings involving lawyers who have been suspended from practice under the local rules of that court. In 2013, 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 current provisions of MCR 8.126, the AGC is tasked with processing requests for temporary admission in Michigan by out-of-state attorneys on a pro hac vice basis. In 2013, each pro hac vice applicant was required to file the proper documentation along with a fee of \$125.00 (a fee equal to the discipline and client protection portions of the annual dues paid by a Michigan attorney. Effective October 1, 2014, the fee will be reduced to \$105.00). 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 said information to the appropriate court administrative agency or tribunal. In 2013, the AGC processed **742** pro hac vice motions with total costs charged to the applicants in the amount of \$92,395.00

### **Funding**

The Attorney Grievance Commission receives no public funds. The Grievance 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 2013, annual dues for active members were \$305.00, of which \$110.00 (36%) was specifically allocated to the two discipline agencies. Effective, October 1, 2014, the discipline portion of the dues will be \$90.00 (32% of the annual dues assessment). For the fiscal year, which ended September 30, 2013, the combined operating expenses of the Attorney Grievance Commission and the Attorney Discipline Board were \$4,845,851. The AGC's operating expenses for the fiscal year ending September 30, 2013 were **\$3,842,792**, an increase of less than 1% over the previous fiscal year. A complete itemization of the Board's expenses for the fiscal year is attached as Appendix B.

**Contact Information**

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

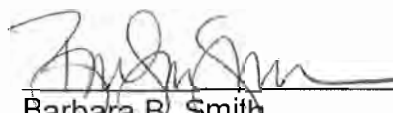
Attorney Grievance Commission  
535 Griswold St., Suite 1700  
Detroit, MI 48226-3259  
Telephone: (313) 961-6585

[www.agcmi.com](http://www.agcmi.com)



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Alan M. Gershel  
Grievance Administrator

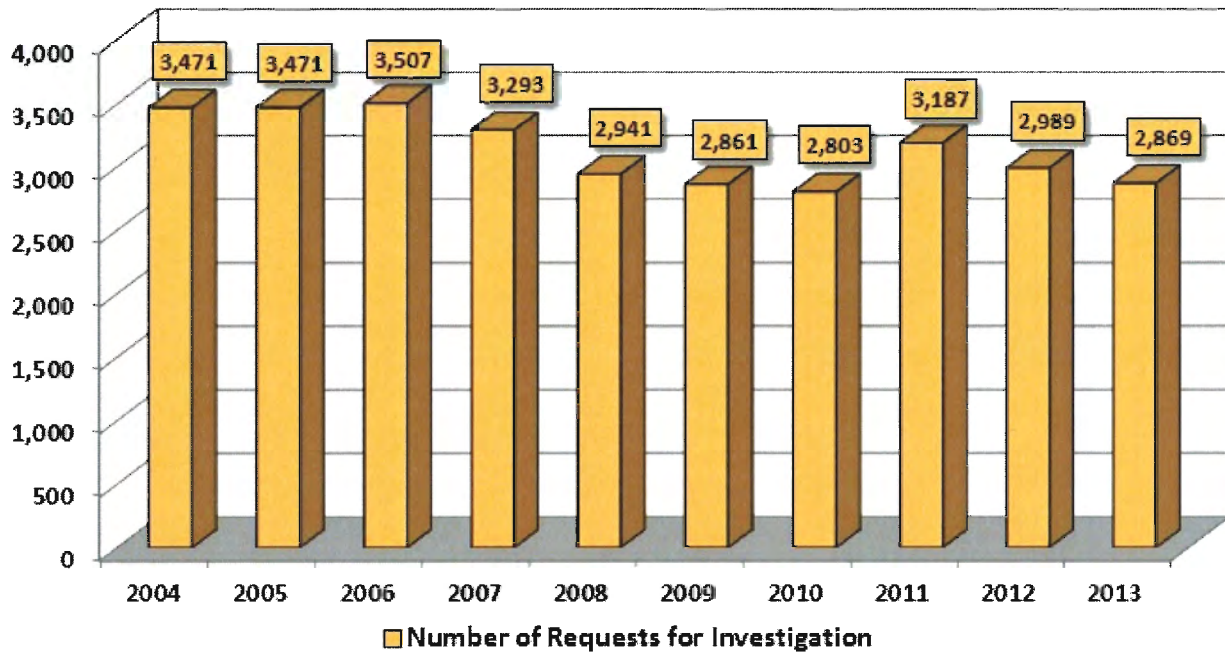


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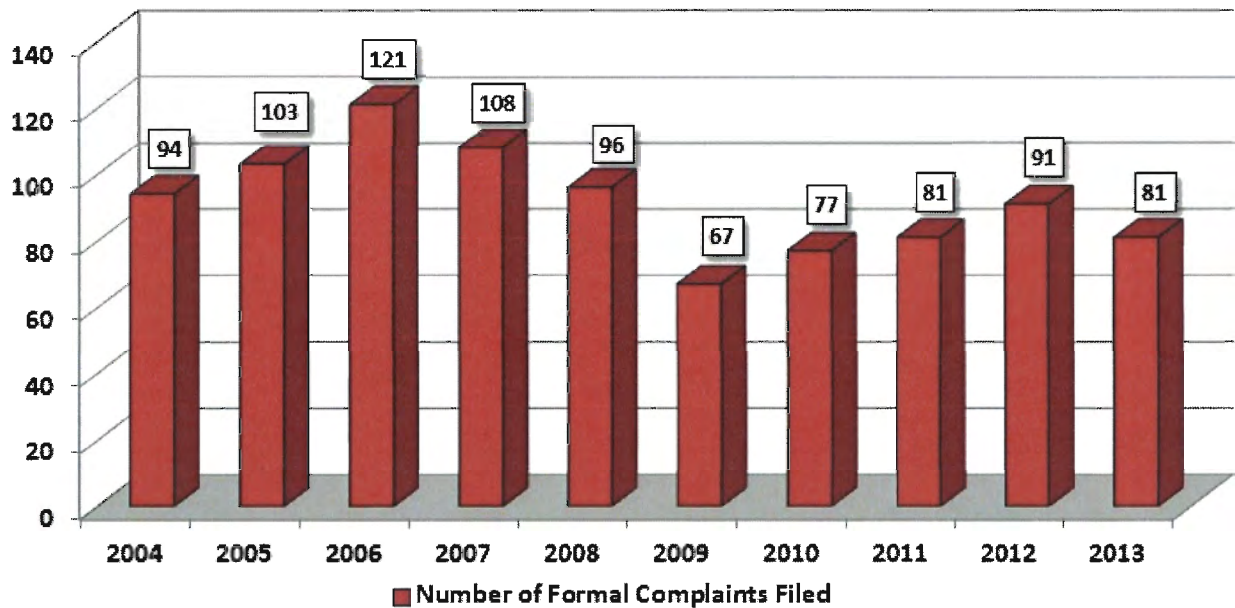
Barbara B. Smith  
Chairperson, AGC

## APPENDIX A

### 2004-2013 - AGC 10-Year Comparison Chart Requests for Investigation Filed



### 2004-2013 - AGC 10-Year Comparison Chart Formal Complaints Filed



## APPENDIX B

### Attorney Grievance Commission Comparative Statement of Expenses 2012 and 2013

	Year Ended September 30	
	2013	2012
Salaries	\$2,175,609	\$2,061,643
Payroll Taxes	163,065	153,523
Employee Insurance	361,352	444,659
Pension Contribution	341,165	324,092
Payroll Processing Fees	9,672	10,349
Additional Retiree Healthcare Expense	211,920	218,449
Unemployment	-	6,516
Rent	154,609	162,716
Depreciation	47,011	44,371
Electricity	14,410	13,288
Parking	2,481	2,444
Temporary Staff	28,681	8,994
Outside Counsel	-	32,424
SBM Bookkeeping and Audit	29,742	29,609
Technology Services	16,325	25,333
Witness and Subpoena Fees	30,388	43,143
Receivership Expense	1,013	2,417
Machine Rental	42,058	51,802
Meetings	4,865	4,933
Travel	13,941	28,152
Telephone	10,599	10,103
Books and Subscriptions	20,908	18,145
Office Supplies	29,162	28,123
Printing and Stationary	2,897	4,420
Postage	28,439	28,282
Insurance	45,498	46,232
Repairs and Maintenance	17,846	14,062
Dues	5,772	5,463
Office Expenditures	20,410	1,535
Professional Education	8,236	8,211
Miscellaneous	4,718	1,252
<b>Total</b>	<b>3,842,792</b>	<b>3,834,685</b>

**ATTORNEY DISCIPLINE BOARD**  
**211 W. FORT STREET, SUITE 1410**  
**DETROIT, MI 48226-3236**

# 2013

## STATE OF MICHIGAN ATTORNEY DISCIPLINE BOARD

### ANNUAL REPORT

(JANUARY 1, 2013 - DECEMBER 31, 2013)

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## BOARD MEMBERS

JAMES M. CAMERON, JR.

CHAIRPERSON

CRAIG H. LUBBEN

VICE-CHAIRPERSON

SYLVIA P. WHITMER, Ph.D.

SECRETARY

ROSALIND E. GRIFFIN, M.D.

CARL E. VER BEEK

LAWRENCE G. CAMPBELL

DULCE M. FULLER

LOUANN VAN DER WIELE

MICHAEL MURRAY

## BOARD STAFF

MARK A. ARMITAGE

EXECUTIVE DIRECTOR &  
GENERAL COUNSEL

WENDY A. NEELEY

DEPUTY DIRECTOR &  
ASSOCIATE COUNSEL

SHERRY L. MIFSUD

OFFICE ADMINISTRATOR

JENNIFER M. PETTY

PARALEGAL / WEBMASTER

KATHLEEN PHILLIPS

CASE MANAGER

ALLYSON M. PLOURDE

CASE MANAGER

JULIETTE 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 sub-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, 2013, Board Chairperson Thomas G. Kienbaum of Birmingham completed his second three-year term as a member of the Attorney Discipline Board. His service as Chairperson commenced on October 1, 2011, and was preceded by three one-year terms as Vice-Chairperson. Mr. Kienbaum's dedication, judgment, and intellect contributed immeasurably to the work of the Board. The Board's members and staff are grateful for his leadership and thank him heartily for his outstanding service and collegiality.

Lawyer member Michael Murray was appointed by the Supreme Court to a new three-year term on the Board commencing October 1, 2013. 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, 2014 are James M. Cameron, Jr. of Ann Arbor, Chairperson; Craig H. Lubben of Kalamazoo, Vice-Chairperson; and Sylvia P. Whitmer, Ph.D., of West Bloomfield, Secretary.

## **STAFF**

Michigan Court Rule 9.110(E)(1) authorizes the Attorney Discipline Board to appoint an attorney as its executive director and general counsel. The Board's full-time staff consists 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; Kathleen Phillips, Case Manager; Allyson M. Plourde, Case Manager; and Juliette M. Loiselle, Receptionist/Secretary.

On September 30, 2013, John F. Van Bolt concluded 27 years of service to the Board as its Executive Director and General Counsel. Prior to joining the staff of the Board in 1986, Mr. Van Bolt served as Associate Counsel to the Attorney Grievance Commission for six years. During Mr. Van Bolt's 33 years of service to Michigan's attorney discipline system he labored steadfastly to promote the protection of the public, the courts and the legal profession. His constant dedication earned him the designation of "founding visionary" of the National Counsel of Lawyer Disciplinary Boards, of which organization he is a past president. In 2010, he also received the State Bar of Michigan's Michael Franck Award, which is given annually to an attorney who has made an outstanding contribution to the improvement of the profession. During a retirement reception at the State Bar's 2013 Annual Meeting, the Board's members and staff expressed their profound appreciation for the opportunity to work with John, and for the superior qualities he possesses and shared with so many over the years as a counselor, legal ethicist, colleague, and friend.

**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 more than 430 attorneys appointed annually to serve on three-member hearing panels. Hearing panelists are currently located in 39 of Michigan's 83 counties. The 2013 hearing panelist roster is attached as Appendix F. The Board has continued its efforts to appoint attorneys as panel members who represent a broad range of professional experience. With the cooperation of the Woman Lawyers Association, the Wolverine Bar Association, and other special interest bar associations, the Board has actively encouraged the participation of women and minorities in Michigan's discipline system. 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](http://www.adbmich.org).

**HEARING PANEL  
PROCEEDINGS**

Complaints submitted by clients, judges or other persons 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.

Upon the filing of a formal complaint 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 2013, hearing panels conducted 83 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. The Board collected assessed costs of \$122,852 from disciplined lawyers in 2013. 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.

Unless appealed to the Board within 21 days by the respondent, the Grievance Administrator or the complainant, 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.

## BOARD REVIEW

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. The respondent, the Grievance Administrator or the complainant may petition the Board for review of an order entered by a hearing panel. Review in such cases is 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 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 regularly considers and disposes of petitions for interlocutory review, various motions for reconsideration as well as motions seeking stays of discipline, 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.

The Board took the following actions in 2013 following review proceedings conducted in accordance with MCR 9.118:

<b>BOARD ACTIONS 2013</b>	
Increased discipline to disbarment	2
Increased the level of discipline (less than disbarment)	3
Affirmed hearing panel order of suspension or reprimand	2
Reduced level of discipline	0
Affirmed hearing panel order of dismissal	1
Affirmed hearing panel denial of reinstatement	1
Vacated order denying petition for reinstatement and ordered eligibility	1
<b>TOTAL:</b>	<b>10</b>

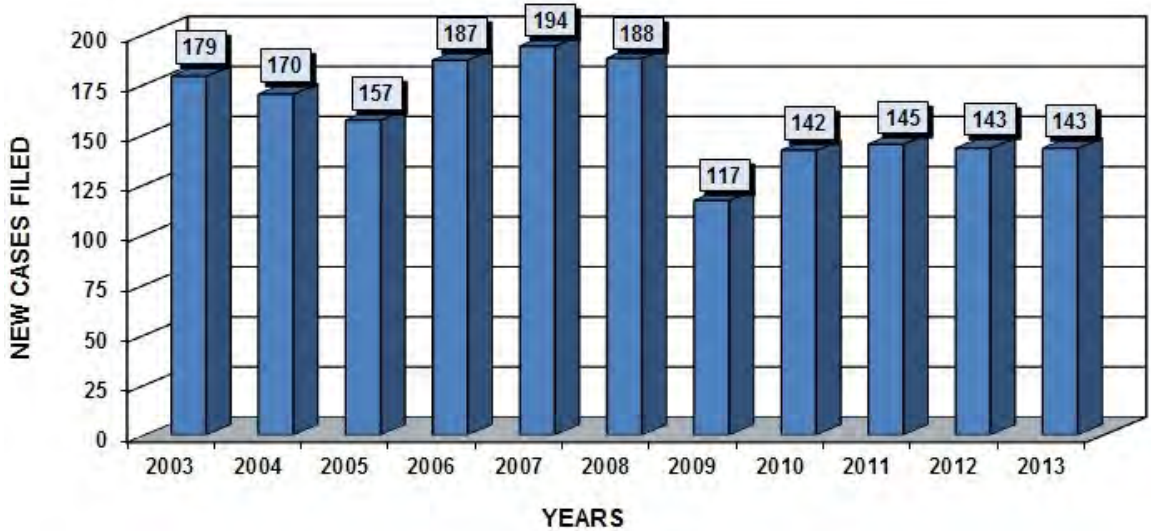
## NEW CASES FILED

There were 81 new formal complaints filed in 2013 containing original charges of misconduct following an investigation by the Attorney Grievance Commission. (This was an 11% decrease in the number of original complaints filed compared to 2012.)

Twenty-four 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, compared to 18 convictions filed in 2012. Eleven petitions for reinstatement in accordance with MCR 9.123(B) were filed in 2013 by attorneys suspended for 180 days or more. In addition, the Grievance Administrator filed five petitions for enforcement of an earlier order for discipline, five petitions seeking an attorney's transfer to inactive status and 11 reciprocal discipline actions based upon the imposition of discipline in another jurisdiction.

The Board opened 143 new files in 2013. The following table (Table 1) illustrates the Board's annual intake of new cases since 2003.

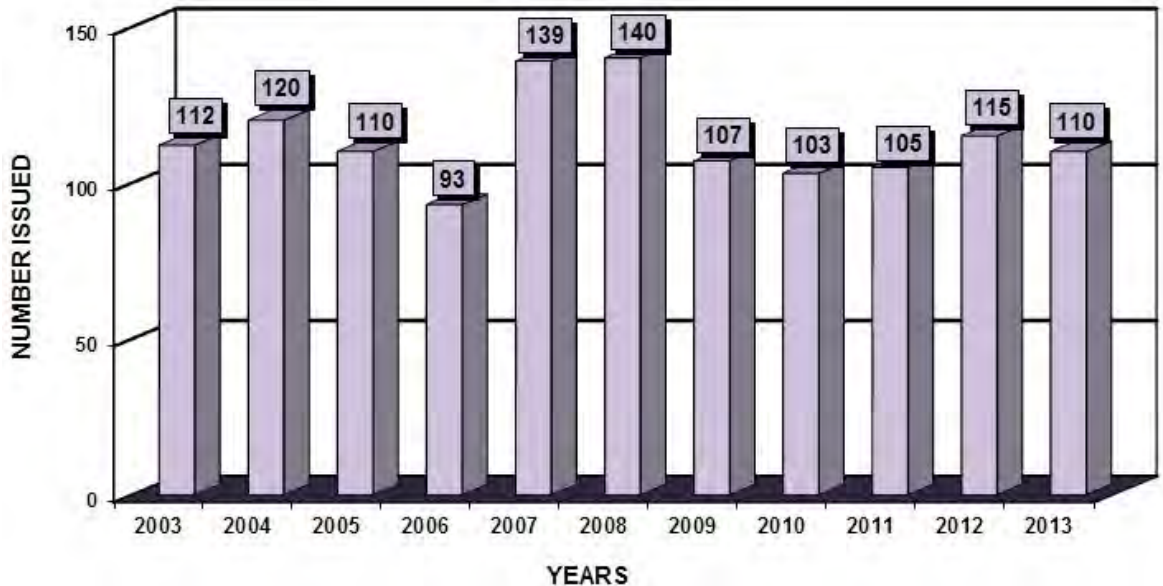
**Table 1 - New Cases Filed, 2003 - 2013**



**FINAL DISPOSITIONS**

The Attorney Discipline Board issued 135 final disposition orders in 2013, including orders of discipline, orders of dismissal, orders granting or denying reinstatement (or dismissing a petition for reinstatement) and orders for transfer to inactive status. Public discipline orders (disbarment, suspension, reprimand, probation or orders of “no discipline”) were issued in 110 cases, a decrease of 4% compared to the 115 discipline orders issued in 2012. A complete list of the orders of discipline issued in 2013 appears in Appendix C. Orders of discipline issued since 2003 are illustrated in Table 2.

**TABLE 2 - DISCIPLINE ORDERS ISSUED, 2003 - 2013**



**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.

Sixty-three consent orders of discipline were finalized in 2013, accounting for 57% of all final orders of discipline.

Consent orders were finalized in the following discipline categories in 2013:

Type of Discipline	Consent Orders	Total Discipline Orders	% By Consent
Disbarment	4	24	17%
Suspension (3 yrs. or more)	5	7	71%
Suspension (180 days but less than 3 yrs.)	6	22	27%
Suspension (30 - 179 days)	14	21	67%
Reprimand	34	36	94%

**TYPES OF  
MISCONDUCT  
RESULTING IN  
DISCIPLINE**

A summary of the final discipline orders in 2013, showing the nature of the misconduct and the resulting discipline, is included in this report as Appendix B. The largest category of misconduct, accounting for 27% of all discipline orders in 2013, involved a lawyer’s improper handling of funds belonging to clients, third parties, or even lawyers themselves, in cases ranging from poor bookkeeping practices to intentional misappropriation of client funds.

Conduct characterized by a lack of diligence, lack of competence, and/or neglect of client matters was the second largest category of professional misconduct in 2013, accounting for 26% of the discipline orders issued in 2013. These cases ranged from an attorney’s failure to provide competent or diligent representation on behalf of a single client to, in a few cases, complete abandonment of the attorney’s practice. In some cases in this category, the attorney’s neglect or mishandling of client matters was accompanied by additional misconduct including misrepresentations to the client about the status of the matter, a failure to return unearned fees, and/or failure to answer request(s) for investigation.

Nineteen Michigan lawyers were publicly disciplined in 2013 as the result of a criminal conviction. These cases accounted for 17% of discipline orders in 2013. In the 10 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. Public discipline was also ordered for nine lawyers convicted of various misdemeanor offenses, including six lawyers disciplined for driving offenses involving alcohol.

The category “other money offenses” includes several cases in which lawyers improperly kept their personal funds in a trust account, contrary to MRPC 1.15. Other types of misconduct resulting in discipline in 2013 included a lawyer’s failure to comply with a prior discipline order, conflicts of interest, misrepresentations to a tribunal, and failure to supervise non-lawyer employees.

**REINSTATEMENTS**

Attorneys suspended for 179 days or less are automatically reinstated upon the filing of an affidavit of compliance with the Supreme Court. Fourteen attorneys were automatically reinstated under this rule in 2013. 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.

Eleven reinstatement petitions were filed with the Board and assigned to panels for hearing in 2013. The Board or its panels issued six orders reinstating attorneys whose licenses had been suspended. Three reinstatement petitions were denied or dismissed.

**PENDING CASELOAD**

As of December 31, 2013, there were a total of 80 open discipline or reinstatement cases pending before a hearing panel, the Attorney Discipline Board or the Michigan Supreme Court.

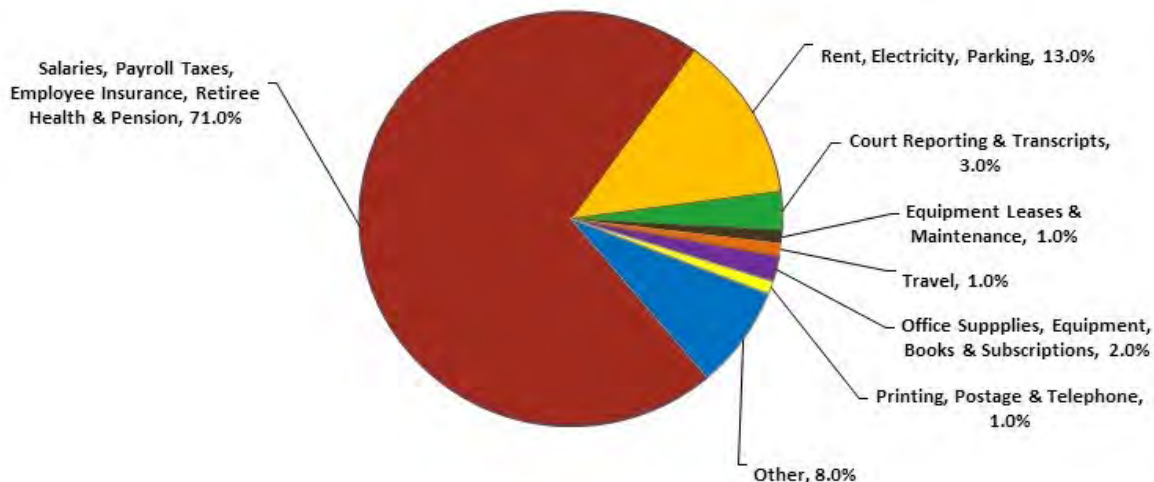
**YEAR-END CASELOADS 2012 - 2013**

	Pending 12-31-12	Pending 12-31-13
Supreme Court	1	1
Attorney Discipline Board	10	11
Hearing Panel	72	68
<b>Total:</b>	<b>83</b>	<b>80</b>

**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 \$305, of which \$110 (36%) is specifically allocated to the Attorney Discipline System. For the fiscal year which ended September 30, 2013, the combined operating expenses of the Attorney Discipline Board and the Attorney Grievance Commission were \$4,845,851. The Attorney Discipline Board’s operating expenses in FY 2012-2013 were \$1,003,059. A chart summarizing the Board’s expenses for 2012-2013 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 2012-2013 FISCAL YEAR**



**WEBSITE**


The Attorney Discipline Board continues to expand and update its website: [www.adbmich.org](http://www.adbmich.org). The site includes: access to the disciplinary history of all attorneys disciplined in Michigan since October 1, 1978; recent Board opinions, notices of discipline and reinstatement petitions; a searchable database including the full text of all opinions of the Attorney Discipline Board, 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](http://www.adbmich.org)**

  
Mark A. Armitage, Executive Director

  
James M. Cameron, Jr., Chairperson

**APPENDIX A  
ANNUAL ACTIVITY REPORT  
JANUARY 1, 2013 THROUGH DECEMBER 31, 2013**

**CASES FILED**

Formal Complaints (GA) . . . . .	81
Automatic Interim Suspensions (AI) . . . . .	6
Judgments of Conviction (JC) . . . . .	24
Petitions for Reciprocal Discipline (RD) . . . . .	11
Petitions to Transfer to Inactive Status (PI) . . . . .	5
Petitions for Reinstatement (RP) . . . . .	11
Miscellaneous (MZ) . . . . .	5
<b>TOTAL CASES FILED . . . . .</b>	<b>143</b>

**FINAL DISPOSITIONS**

Final Orders of Discipline . . . . .	110
Disbarments . . . . .	24
Suspensions . . . . .	50
Subject to MCR 9.123(A) . . . . .	21
Subject to MCR 9.123(B) . . . . .	22
Subject to MCR 9.123(B) & (C) . . . . .	7
Reprimands . . . . .	36
Misconduct But No Discipline . . . . .	0
Probation . . . . .	0
Transfer to Inactive Status . . . . .	3
Dismissals . . . . .	10
Reinstatements Granted . . . . .	6
Reinstatements Denied or Dismissed . . . . .	3
Other . . . . .	3
<b>TOTAL FINAL DISPOSITION ORDERS . . . . .</b>	<b>135</b>

**OTHER NOTICES ISSUED**

Automatic Interim Suspensions [MCR 9.120] . . . . .	6
Interim Suspensions Ordered By Hearing Panel [MCR 9.115(H)] . . . . .	1
Automatic Reinstatements Under MCR 9.123(A) . . . . .	14
<b>TOTAL OTHER NOTICES ISSUED . . . . .</b>	<b>21</b>

**PUBLIC HEARINGS BY HEARING PANELS**

Scheduled . . . . .	229
Held . . . . .	83

**COSTS**

Total Costs Reimbursed to the State Bar of Michigan by Respondents and Petitioners . . . . .	\$122,852.04
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**APPENDIX B**  
**SANCTIONS IMPOSED - 2013**  
**By Type of Misconduct<sup>1</sup>**

	DISBARMENT	SUSP. 3 YRS +	SUSP. 180 DAYS LESS 3 YRS	SUSP. 30 - 179 DAYS	REPRIMAND	PROBATION	NO DISCIPLINE	TOTAL
NEGLECT <sup>2</sup>	1		2	4	9			16
NEGLECT (Accompanied by Failure to Answer R/I)	3	2	4	3				12
NEGLECT (Aggravated by Misrepresentation to Client or Court)	1							1
MISAPPROPRIATION	6		1					7
OTHER MONEY OFFENSES	3		4	9	7			23
CONVICTION (Felony)	4	5		1				10
CONVICTION (Misdemeanor)			2		7			9
CONFLICT OF INTEREST	1				3			4
FAIL TO COMPLY/PRACTICE WHILE SUSPENDED	1		3		2			6
MISREPRESENTATION/FRAUD	2			1				3
RECIPROCAL DISCIPLINE/ JUDICIAL DISCIPLINE	1		5	3	1			10
FAILURE TO SUPERVISE	1							1
OTHER			1		7			8
<b>TOTAL:</b>	<b>24</b>	<b>7</b>	<b>22</b>	<b>21</b>	<b>36</b>			<b>110</b>

<sup>1</sup> Formal complaints filed by the Grievance Administrator commonly include multiple charges of misconduct. For this chart, the sanctions are categorized based on the most serious misconduct found by the panel or the Board.

<sup>2</sup> For purposes of this chart, the term "neglect" encompasses the concepts of competence, neglect, diligence, and communication found in MRPC 1.1, 1.2, 1.3 and 1.4.

**APPENDIX C  
DISCIPLINED ATTORNEYS BY TYPE OF DISCIPLINE - 2013**

**DISBARMENTS (24)**

RESPONDENT	EFFECTIVE DATE
BARTKUS, Joseph D.	June 14, 2012
BUSCHMOHLE, Robert C.	May 23, 2013
FARAH, Asad S.	June 11, 2013
FINN, Martha D.	November 21, 2012
HALL, James C.	December 3, 2013
HATHAWAY, Diane M.	January 29, 2013
HAYWOOD, David J.	April 1, 2013
HEIKKINEN, Christina T.	June 15, 2011
HOESCH, Kenneth W.	June 28, 2013
HUNT, Brent S.	January 26, 2013
JEFFERS, Sula D.	July 17, 2013
JONCA, Jason R.	June 1, 2013
LAHN, John Geoffrey	July 5, 2013
LYGIZOS, John B.	March 1, 2012
MASON, Peter C., Jr.	June 1, 2013
McNEILL, S. David	April 16, 2013
MONROE, David A.	October 18, 2012
PUSHMAN, Susan S.	January 3, 2013
REKSHAN, William R.	August 22, 2013
RUCKES, Barbara J.	March 23, 2013
THERMAN, Thomas E.	March 27, 2013
TWISS, Michael H. (Case No. 12-126-GA)	March 26, 2013
TWISS, Michael H. (Case No. 13-57-GA)	March 26, 2013
TYSLENKO, Mark J.	June 28, 2013

**SUSPENSIONS SUBJECT TO MCR 9.123(B) AND (C)  
[THREE YEARS OR MORE] (7)**

<b>RESPONDENT</b>	<b>LENGTH</b>	<b>EFFECTIVE DATE</b>
BRAUKER, Robert E.	Three Years	October 9, 2012
BURSON, Patrick S.	Four Years	May 23, 2013
COURTRIGHT, Jay	Three Years	December 6, 2013
GAGE, Noel A.	Three Years	February 23, 2010
JOHNSON, Edward L.	Three Years	October 24, 2012
WATERS, John Oren	Three Years	September 14, 2012
WATTS, John A.	Three Years & Six Months	May 25, 2011

**SUSPENSIONS SUBJECT TO MCR 9.123(B)  
[180 DAYS BUT LESS THAN THREE YEARS] (22)**

<b>RESPONDENT</b>	<b>LENGTH</b>	<b>EFFECTIVE DATE</b>
BLACK, D. Richard, Jr.	220 Days	January 6, 2013
DILLEY, Nancy L.	180 Days	October 8, 2012
DODSON, Eric B.	180 Days	October 24, 2013
DUNN, David B.	One Year	July 6, 2013
ELKINS, Thomas W.	180 Days	September 16, 2013
GRAFF, Alan S.	18 Months	March 26, 2013
HARRINGTON, Christopher D.	180 Days	January 6, 2013
HENRY, Wayne T.	Two Years	March 7, 2013
JOHNSON, Edward L.	180 Days	October 24, 2012
JONES, Michael D.	180 Days	July 5, 2013
JOSEY, Michael R.	One Year	December 31, 2012
MURPHY, Keith T.	One Year	January 2, 2013
MURPHY, Timothy P.	180 Days	September 6, 2013
NUTTLE, Thomas N.	180 Days	April 5, 2013
PRESENT, Thomas R.	One Year	July 30, 2013
RADZINSKI, Pamela	24 Months	December 29, 2012
RICKEL, Nancy Bates	180 Days	July 6, 2013
SCARLETTA, James C.	One Year	November 8, 2012
SIEGEL, Sheldon	180 Days	April 16, 2013
THOMPSON, Rochelle J.	180 Days	September 12, 2013
WINSHALL, William A.	Two Years	October 1, 2013
WOLFE, Jack B.	180 Days	February 12, 2013

## SUSPENSIONS SUBJECT TO MCR 9.123(A) [LESS THAN 180 DAYS] (21)

RESPONDENT	LENGTH	EFFECTIVE DATE
BLACK, D. Richard, Jr.	90 Days	January 6, 2013
CURTIS, Paul D.	120 Days	June 15, 2013
DOYLE, John J.	179 Days	May 14, 2013
GEMELLARO, Bethany D.	30 Days	September 20, 2013
HAMPTON, Douglas D.	179 Days	August 12, 2013
HOLLAND, Gad L.	60 Days	August 24, 2013
KEILLOR, Scott A.	179 Days	April 13, 2013
KRINOCK, R. Reid	30 Days	December 17, 2013
MALEVITIS, John L.	179 Days	October 26, 2013
MARSHALL, Thomas E.	30 Days	June 25, 2013
NATHANSON, Leonard M.	90 Days	June 20, 2013
NOVECK, Daniel	90 Days	May 2, 2013
PACE-BYRD, Damika L.	30 Days	May 8, 2013
PAIGE, Ray A.	30 Days	December 1, 2013
PINSKY, Stuart	90 Days	June 28, 2013
SCHWARTZ, Marc S.	30 Days	December 14, 2013
SHAW, James R.	30 Days	July 1, 2013
STEFANI, Michael L.	30 Days	March 22, 2013
STEWART, John Charles	179 Days	October 24, 2013
VOGL, Jack F.	30 Days	August 15, 2013
WALTERS, Edward N.	90 Days	September 27, 2013

## REPRIMANDS (36)

RESPONDENT	EFFECTIVE DATE
AUGER, Cheryl	July 10, 2013
BURDETTE, William	August 24, 2013
CARTHEW, Paul A.	December 29, 2012
DAVIDSON, John S.	August 20, 2013
DICKOW, Mark B.	March 23, 2013
FERINGA, Scott D.	March 9, 2013
FIELDS, Carol Y.	May 29, 2013
FOLMAR, Allison	July 6, 2013
FOSTER, Ronald L.	July 19, 2013
FRIED, David H.	November 1, 2013
GODFREY, Lisa A.	June 25, 2013
GRIEM, David	September 20, 2013
HOFFERT, Myles B.	January 30, 2013
HUGHES, John J., III	January 8, 2013
HUSTED, Amy L.	April 11, 2013
KESLER, Rebecca	January 2, 2013
KOWALSKI, Sean K.	December 29, 2012
LEITMAN, Bruce T.	March 9, 2013
MADDALONI, Michael T.	March 13, 2013
MILLER, Betsy A.	November 13, 2013
MOSLEY, Elton	July 19, 2013
MURPHY, Timothy P.	September 12, 2013
NICKOLA, David J.	December 27, 2012
O'BRIANT, James M.	March 22, 2013
OKONMAH, Derrick N.	January 10, 2013
REDMAN, Bruce R.	September 11, 2013
ROBINSON, Robert L., Jr.	March 5, 2013
SEPTOWSKI, Charles D.	September 26, 2013
SMITH, Justin R.	August 24, 2013
SPENDER, Steven F.	July 10, 2013
SPRINGER, Dale V.	August 6, 2013
TAPPAN, Jonathan Wells	June 12, 2013
WALSH, Robert P.	May 21, 2013
WENDT, Mona E.	April 17, 2013
WILLIAMS, Paul M.	May 11, 2013
WININGER, Thomas D.	August 22, 2013

**DISCIPLINED ATTORNEYS BY TYPE OF DISCIPLINE - 2013**

**TOTALS**

DISBARMENTS	24
SUSPENSIONS - MCR 9.123(B) and (C)	7
SUSPENSIONS - MCR 9.123(B)	22
SUSPENSIONS - MCR 9.123(A)	21
REPRIMANDS	36
MISCONDUCT BUT NO DISCIPLINE	0
PROBATIONS	0

**APPENDIX D**

**Attorney Discipline Board Comparative Statement of Expenses,  
Years Ended September 30, 2012 & September 30, 2013**

<b>Expense Item</b>	<b>FY 2012</b>	<b>FY 2013</b>
Salaries & Longevity	443,155	484,778
Payroll Taxes	30,953	36,233
Employee Insurance	112,479	96,366
Pension Contribution	40,206	45,161
Payroll Processing Fee	6,091	3,938
Retiree Health Care Expense	55,967	53,143
Rent	116,526	119,719
Electricity	4,675	4,797
Parking	6,300	6,415
Law Clerk and Professional Fees	17,044	12,331
Bookkeeping and Audit	15,084	15,152
Hearing Panel Expenses/Transcripts	53,676	33,727
Machine Rental	9,165	7,733
Meetings	7,950	11,449
Travel	10,018	12,004
Telephone	6,431	5,771
Books and Subscriptions	7,615	8,219
Office Supplies	7,297	4,474
Printing	822	590
Postage	4,402	7,354
Insurance	12,725	13,439
Repairs and Maintenance	815	1,174
Office Expenditures	4,868	9,847
Professional Education	3,517	3,206
Dues	1,672	1,552
Miscellaneous	860	1,691
Depreciation	3,167	2,796
<b>TOTAL</b>	<b>983,480</b>	<b>1,003,059</b>

**APPENDIX E  
ATTORNEY DISCIPLINE BOARD  
MEMBERS' BIOGRAPHICAL INFORMATION**

**JAMES M. CAMERON, JR., of ANN ARBOR  
Chairperson  
Term Expires: September 30, 2015**

Mr. Cameron is a member of the Dykema law firm and is the Office Managing Member for Dykema's Ann Arbor, Michigan office. He graduated with honors from Harvard University in 1973 and obtained his law degree from American University in 1978. Between college and law school, Mr. Cameron taught high school English. Since joining Dykema in 1978, Mr. Cameron has been a member of the firm's Litigation Group, practicing primarily in the area of commercial litigation with experience in patent infringement suits and construction contract litigation. Mr. Cameron has an interest in alternative dispute resolution and has significant experience as a facilitator, mediator, and arbitrator. Mr. Cameron has been actively involved in public education as a past trustee for the Ann Arbor Public Schools Board of Education, as a board member and past Chairperson of the Ann Arbor Public Schools Educational Foundation, and as Chairman for the Michigan Teacher Tenure Commission. He is also a past member of the Board of Trustees, Planning Commission and Zoning Board of Appeals for Scio Township, and has served on the Elected Officials Compensation Committee and Zoning Board of Appeals for the City of Ann Arbor. In December 2008, the Michigan Supreme Court appointed Mr. Cameron to fill an unexpired term on the Attorney Discipline Board ending September 30, 2009. He was re-appointed to a full three-year term commencing October 1, 2009. In 2011, the Supreme Court appointed him to a one-year term as Vice-Chairperson, and, in 2012, he was re-appointed to a second three-year term as a Board Member and he was also reappointed for a one-year term as Vice-Chairperson in 2012. Mr. Cameron was appointed Chairperson in 2013.

**CRAIG H. LUBBEN of KALAMAZOO  
Vice-Chairperson  
Term Expires: September 30, 2014**

Mr. Lubben is a member of the law firm of Miller Johnson at the firm's office in Kalamazoo where he practices in the area of civil litigation with a focus on commercial and employment dispute. He is a graduate of Calvin College (B.A.) and a cum laude graduate of Northwestern University School of Law where he was on the Board of Directors of the Journal of Criminal Law and Criminology and member of Order of the Coif. Mr. Lubben is a former President of the Kalamazoo County Bar Association and has served on the State Bar of Michigan's Representative Assembly and Board of Commissioners. He is currently on the Executive Committee of the Federal Bar Association for the Western District of Michigan. His community service includes membership on the boards of Family and Children Services of the Kalamazoo area, including two terms as president; the Kalamazoo Symphony; the Kalamazoo Christian School Association; and the Calvin College Alumni Association Board, president, 2004-2005. Mr. Lubben was appointed to a three-year term on the Attorney Discipline Board commencing October 1, 2008, and re-appointed to a second term effective October 1, 2011. In 2013, the Supreme Court appointed him to a one-year term as Vice-Chairperson.

**SYLVIA P. WHITMER, Ph.D., of WEST BLOOMFIELD**  
**Secretary**  
**Term Expires: September 30, 2015**

Dr. Whitmer received her undergraduate degree and a post-graduate degree as an education specialist from Wayne State University. She holds a masters degree from the University of Edinburgh, Scotland, and a doctorate (PhD) from Michigan State University. During her professional career in education, Dr. Whitmer has been a high school teacher, an elementary school principal and, from 1990 until her retirement in 2005, the Executive Director of Instruction, K-12, for the Birmingham Public Schools. Dr. Whitmer was an elected member of the Birmingham Board of Education from 1975 to 1987, serving three times as its president. In addition to her service as a Board member of the Birmingham Area Senior Coordinating Council, Dr. Whitmer is involved in the Birmingham Optimist Organization, the League of Women Voters and the American Association of University Women. Dr. Whitmer was appointed by the Supreme Court to a three-year term on the Attorney Discipline Board commencing October 1, 2009. She was re-appointed to a full three-year term, commencing October 1, 2012. The members of the Board elected Dr. Whitmer to serve as the Board's Secretary in 2012 and 2013.

**ROSALIND E. GRIFFIN, M.D., of FARMINGTON HILLS**  
**Term Expires: September 30, 2016**

Dr. Griffin is a psychiatrist practicing in the field of adult and adolescent psychotherapy, with special qualifications in forensic psychiatry. Dr. Griffin is a graduate of Wayne State University (BA) and the Wayne State University School of Medicine (MD). Following her internship at Harper Grace Hospital, she performed her psychiatric residency at Sinai Hospital of Detroit. She is an assistant professor at the Wayne State University College of Medicine and she has held numerous positions in Detroit's medical community including medical director of the Partial Day Hospital Program at Sinai Grace Hospital and medical director of the Deaf Counseling Services Center at Sinai Grace Hospital. Her professional memberships include the Michigan Psychiatric Society (Ethics Committee and co-chair of the Women's Issues Committee); the Wayne County Medical Society (Peer Review Committee); Michigan State Medical Society (Member, House of Delegates); and the American Psychiatric Association. Dr. Griffin was appointed by the Michigan Supreme Court to its Task Force on Gender and Race Bias (1987-1990) and she was later appointed by the Court as a non-lawyer member of the Attorney Grievance Commission (1990-1994). Dr. Griffin is a former member of the Oakland County Bar Association's Public Advisory Committee on Judicial Candidates and she is a former member of the Board of Regents of Eastern Michigan University. The Michigan Supreme Court appointed Dr. Griffin to fill a vacancy on the Attorney Discipline Board and, on September 21, 2010, appointed her to her first full term as a non-lawyer member commencing October 1, 2010. In 2010, the members of the Board elected Dr. Griffin to serve as the Board's Secretary and she was re-elected to that position in 2011. In 2013, the Supreme Court re-appointed her to a second three-year term.

**CARL E. VER BEEK of GRAND RAPIDS**  
**Term Expires: September 30, 2014**

Mr. Ver Beek is a former partner, and currently Of Counsel to the law firm of Varnum, Riddering, Schmidt & Howlett in Grand Rapids. He is a graduate of Hope College (B.A.) and The Indiana University School of Law (J.D.). He is a member of the Council of the American Bar Association's Dispute Resolution Section and a former member of the Council of the ABA's Labor and Employment Section. He is a Fellow of the College of Labor and Employment Attorneys. Following service as Chair of the Character and Fitness Committee of the State Bar of Michigan, Mr. Ver Beek was appointed by the Michigan Supreme Court to the Attorney Grievance Commission in 1999. He served for six years as a member of the Grievance Commission, including four years as its Chairperson. Mr. Ver Beek's community activities include his service as Chairman of the Academic Affairs Committee, and member of the Executive Committee of the Hope College Board of Trustees; Chair of the Bethany Christian Services Board; Chair of the Jellema House Board; Board Member of the Michigan Chamber of Commerce; Chairperson of the Grand Rapids Area Chamber of Commerce; Chairperson of the Kent Health Plan; Chairperson of the Holland Home Board and Chairperson of Faith Hospice Board. Mr. Ver Beek was appointed to a three-year term on the Attorney Discipline Board commencing October 1, 2008, and re-appointed to a second term effective October 1, 2011.

**LAWRENCE G. CAMPBELL of FRANKLIN**  
**Term Expires: September 30, 2014**

Mr. Campbell is a member of Dickinson Wright, a multi-state law firm specializing in corporate and business law. Mr. Campbell has extensive experience in handling business and commercial litigation, with particular emphasis in securities, fraud defense, accountant malpractice, and contract disputes. He is a graduate of Michigan State University and the University of Detroit Law School, where he was the Managing Editor of the University of Detroit Law Review. Mr. Campbell is a past president of the Detroit chapter of the Federal Bar Association and has served as Chairperson of the U.S. Courts Committee of the State Bar of Michigan. Mr. Campbell has been a member of the Commercial Litigation Committee of the Corporate, Finance and Business Law Section of the State Bar of Michigan. He is a member of the American Arbitration Association's Panels of Commercial Arbitrators and Employment Arbitrators, as well as a member of that association's Complex Case Program. In 2007, Mr. Campbell was the recipient of the Michigan Defense Trial Counsel's Annual Excellence in Defense Award awarded to civil defense counsel who have demonstrated superior professionalism and advocacy skills. He was appointed by the Michigan Supreme Court to a three-year term on the Attorney Discipline Board, commencing October 1, 2011.

**DULCE M. FULLER of BIRMINGHAM**  
**Term Expires: September 30, 2014**

Ms. 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. Ms. Fuller is the principal in Park Gardens Ltd., a commercial interior design firm, as well as the owner and operator of Woodward & Maple, LLC. Ms. Fuller is 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). Ms. Fuller attended Oakland Community College.

**LOUANN VAN DER WIELE of AUBURN HILLS**  
**Term Expires: September 30, 2015**

Ms. Van Der Wiele holds the position of Vice President & Associate General Counsel in the Office of the General Counsel of Chrysler Group LLC with responsibility for product liability litigation and discovery (worldwide). In addition, Ms. Van Der Wiele oversees the defense of class action, commercial, employment, warranty and lemon law litigation. She also advises 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.

**MICHAEL MURRAY of LANSING**  
**Term Expires: September 30, 2016**

Mr. Murray is legal counsel and chief of staff for the Catholic Diocese of Lansing. He is a graduate of the University of Michigan Law School. He also holds graduate degrees in Theology and in Labor and Industrial Relations. His undergraduate degree is from Michigan State University. He is a former Chief Commissioner of the Michigan Supreme Court and a former Chair of the Michigan Attorney Grievance Commission. Mr. Murray was appointed by the Supreme Court to a three-year term on the Attorney Discipline Board, commencing October 1, 2013.

**APPENDIX F  
2013 HEARING PANEL ROSTER<sup>3</sup>**

**ALLEGAN COUNTY**

OYLER, W. Tedd

**ALPENA COUNTY**

WHITE, Daniel W.

**ANTRIM COUNTY**

HOUGHTON, Ralph H., Jr.

**BAY COUNTY**

GIUNTA, Rozanne M.  
LEARMAN, Richard C.<sup>#</sup>  
MOROSI, John M.

**BENZIE COUNTY**

McKAY, Joan S.

**BERRIEN COUNTY**

ANDERSON, Kevin S.  
BURDICK, Carl R.  
CONYBEARE, Bruce C.  
DESEMBERG, Louis A.  
PETERSON, David M.  
SMITH, Peter W.  
STRAUB, James M.  
TAGLIA, Paul A.

**CALHOUN COUNTY**

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

**CHARLEVOIX COUNTY**

ARNER, Timothy D.  
KLEVORN, Kevin G.

**CHIPPEWA COUNTY**

VEUM, Thomas J.

**DELTA COUNTY**

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

**EMMET COUNTY**

FENTON, Stuart L.  
MILLER, Bonnie J.  
MURRAY, James J.  
RAMER, James T.  
SMITH, W. Richard  
TRESIDDER, Stephen J.  
WURSTER, Joel D.

**GENESEE COUNTY**

BAESSLER, Joseph E.  
BARKEY, Brian M.  
BUCKLEY-O'NEILL, Kathleen  
CULLARI, Francine  
DIESEL, Peter L.  
GRIFFIN, Walter P.  
HALDY, Ronald L.  
HART, Clifford  
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.  
SMITH, Alan M.<sup>#</sup>  
TREMBLEY, James J.  
TUCKER, John R.  
TURNAGE, Frank G.  
WHEATON, Robin L.

**GRAND TRAVERSE COUNTY**

BICKEL, Mark P.  
BIMBER, Frederick R.  
BUDROS, Barbara D.  
CHRISTOPHERSON, James A.  
FISHER, Joseph C.

**HOUGHTON COUNTY**

DAAVETTILA, Robert T.

**INGHAM COUNTY**

BEHAN, Michael R.  
BEHAN, Raymond R.  
BENGTSON, Thomas A.  
BOSSENBROOK, Arlyn J.  
CASEY, Nan Elizabeth  
CUNNINGHAM, Janice K.  
DALE, Julia A.  
DE VINE, Barry F.  
DOSTER, Eric E.

**INGHAM COUNTY  
(Continued)**

EDGAR, Mary C.  
EMERY, Lawrence J.  
FRIEDMAN, Leo H.  
GALLAGHER, Bryon P., Jr.  
GROLL, Catherine  
HOGAN, Patrick R.  
HOOVER, C. Mark  
HORNBACK, Oskar M.  
JAMO, James S.<sup>&</sup>  
LOVIK, Mary M.  
MALLORY, Susan L.  
MANIS, Paula K.  
McCARTHY, Robert E.  
PELOT, Michael J.  
STROPKAI, James L.  
STROUD, Ted W.  
SUHRHEINRICH, Richard J.  
TIMMER, Amy  
TYSZKIEWICZ, Roman  
WADDELL, David D.  
WARD, James R.  
WONCH, Nancy A.  
WOOD, Rock A.  
ZULAKIS, George

**ISABELLA COUNTY**

BLOEM, Gordon M.

**JACKSON COUNTY**

HAMILTON, Janet L.

**KALAMAZOO COUNTY**

DELEHANTY, Mary E.

GETTING, Jeffrey S.  
HAYTER, Karen M.  
KEISER, W. Jack  
KNEAS, John W.  
LEVINE, Sharan Lee  
RUSSELL, Gregory W.  
RYAN, William J.  
SHARMA, Namita  
SMITH, C. Giles, Jr.  
ZAUSNER, Henry T.

<sup>3</sup>

<sup>1</sup>Deceased.

<sup>#</sup>Retired or resigned as panelist.

<sup>%</sup>Inactive panelist.

<sup>&</sup>All full-time judges removed as hearing panelists.

**KENT COUNTY**

BLACK, James G.  
COURTADE, Bruce Anthony  
DAVID, Ronald E.  
DUNN, William B.  
EDGAR, Christopher L.  
FARR, William S.  
FIELDS, Geoffrey A.  
KOLENIC, Anthony J., Jr.  
KOSTA, Michael J.  
McCARTHY, Paul A.  
McGLADDERY, Patrick C.  
MELTON, Scott R.  
MUDIE, Kent W.  
O'DOWD, Kevin J.  
RABIDEAU, Christopher J.  
REAMON, Martha E.  
SAALFELD, James R.  
SMIETANKA, John Allen  
SPALDING, Arthur C.  
THEIME, R. Kevin  
VAN'T HOF, William K.#  
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.  
COLMAN, Neil M.  
CURTIS, Robert J.  
DELEKTA, Diane Hubel  
FINAZZO, Lori J.  
GARVEY, Paul T.  
GARVEY, Robert F.  
GOODMAN, Mark D.  
HRIBAR, Robert J.  
KATZ, Lawrence S.  
LANGE, Craig W.  
LASCOE, John S.  
LEGGHIO, Brian M.  
LUJAN, Joseph G.  
MAKARSKI, Daniel P.  
MARTIN, James N.  
McCULLOUGH, Max D.  
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.  
WYSS, William A.

**MANISTEE COUNTY**

KELEHER, Dennis L.

**MASON COUNTY**

ANDREWS, Robert D., Jr.  
NICHOLSON, Gary L.

**MARQUETTE COUNTY**

CASSELMAN, Thomas P.  
KEEFE, Ronald D.  
KOCH, Kevin Wm.  
PENICE, Steven L.

**MIDLAND COUNTY**

DURANCE, Stephen E.  
MADDOX, Mark R.  
MATHIEU, James H.

**MONROE COUNTY**

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

**MUSKEGON COUNTY**

BALGOOYEN, Fredric F.  
BLEAKLEY, Frederick W.  
BOSSENBROEK, David L.  
CHESSMAN, Robert O.  
DAVIS, Shawn P. %  
MAY, Berton K.  
NEAL, Gary T.  
SCOTT, Brianna  
SNIDER, I. John, II

**OAKLAND COUNTY**

ABBO, Peter  
ABRAMS, Nina Dodge  
ACKER, Gerald H.  
APPEL, Jeffrey S.  
AUGER, Cheryl J.#  
AUGUST, Gary K.  
BAIERS, James E.  
BALIAN, Michael J.  
BALON-VAUGHN, Roberta S.  
BARKER, Lori A.  
BATTERSBY, Michael L.  
BAUM, Martin S.  
BAUMHART, A. David, III  
BENHAM, Lucy R.  
BERNSTEIN, Douglas C.  
BERNSTEIN, Mark J.  
BERNSTEIN, Samuel I.  
BERNSTEIN, Stephen R.  
BOOKHOLDER, Ronald W.  
BRAZZIL, Cynthia E.  
BROOKS, Keefe A.  
BROWN, Geoffrey M.  
BRUKOFF, William M.  
BURDICK, James W.  
CANVASSER, Sue Ann

**OAKLAND COUNTY**  
**(Continued)**

CARUSO, Kathryn M.  
COLLINS, Morton B.  
COLTON, Michael W.  
CRANMER, Thomas W. %  
CUTLER, Donald M.  
DAMREN, Samuel C.  
DE VINE, Clifford, J.  
EICHENHORN, Emily J.  
FABRIZIO, Joseph J.  
FELDMAN, Barry M.  
FOX, Sharon Mullin  
FREILICH, Diane M.  
FRYHOFF, Timothy T.  
GAGE, William C.  
GERSHEL, Alan M.  
GOLD, Edward D.  
GOLDMAN, Barry  
GOLDSTEIN, Ronald A.  
GOODMAN, Barry J.  
GOOGASIAN, George A.  
GRAMZOW, Kirsten E.  
GROFFSKY, Richard L.  
GUERRIERO, Timothy M.  
GURWIN, Howard E.  
HARNISCH, Alan C.  
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.  
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  
LOWENTHAL, Betty L.#  
MANTESE, Gerard V.  
MARVIN, Ronald S.  
MATZ, Steven J.  
McCANN, D. Michael  
MILLER, Leonard E.  
MITSEFF, Kimberly R.  
MORROW, Raymond L.  
NOVAK, Richard A., Jr.#  
O'CONNOR, Julie McCann  
PALETZ, Susan E.  
PAPPAS, Edward H.  
PARKER, Joyce E.  
PERLMUTER, Gary  
PIA, Joseph  
RAHEEM, Rasul M.  
RICE, Cinnamon A.  
RONAYNE, Colleen V.  
RYAN, Thomas J.  
SALTZMAN, Shirley A.  
SEIFMAN, Barry A.  
SCHEIBLE, Eric D.  
SCHNELZ, Kurt E.

**OAKLAND COUNTY**  
(Continued)

SHABAN, Tova G.  
SHERR, Paul D.  
SHULMAN, Marc I.<sup>#</sup>  
SILVER, Kenneth F.  
SIMPSON, Thomas C.  
SKILLMAN, Alicia J.  
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.  
TOOHEY, Robert E.  
TRIEST, Brent S.  
TUCK, Marsha Lynn  
TURNER, Lee I.  
VIEGAS, Christine Bernhard  
WALKER, David R.  
WALLACH, Howard I.  
WARSH, Richard L.  
WELLS, Steven W.  
WERDER, Mark R.  
WILLIS, Robert L., Jr.  
WILSON, Eric S.  
WOLOCK, Steven M.  
YOCKEY, Kurt D.  
YOCKEY, Michael J.  
ZEMMOL, Allen  
ZUPPKE, David F.

**OCEANA COUNTY**

ROSE, James M.

**OTTAWA COUNTY**

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

**ROSCOMMON COUNTY**

MEIRING, Ronald C.<sup>#</sup>

**SAGINAW COUNTY**

CHASNIS, John A.  
HAHN, Robert A.  
MOSSNER, Eugene D.  
SMITH, Lawrence Wm., Jr.  
WALLACE, David A.  
WASHBURN, Douglas S.

**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.  
DODD, Gregory L.<sup>#</sup>  
EGGAN, Andrew M.  
FINK, Sally Claire<sup>#</sup>  
FLINTOFT, Peter C.  
GREEN, Philip  
JONES, Constance L.  
KESSLER, Barbara L.  
LAX, Jerold  
LOVERNICK, Richard N.  
MURPHY, Barbara L.  
NICHOLS, Margaret J.  
SACKS, Monika H.  
SAFRANEK, Stephen J.  
SENDELBACH, Karen S.  
SLANK, Eileen J.  
STARK, Sheldon J.  
SUGERMAN, Donald F.  
VARTANIAN, Michael G.  
VESTRAND, Joan P.  
WAX, Harvey I.  
WEBER, Deborah J. Hammerlind

**WAYNE COUNTY**

BAKER, Chandra W.  
BARTOS, Suzanne P.  
BOLDEN, Carl B., Jr.  
BUFFINGTON, Lamont E.  
BURGESS, Laurence C.  
CAMINSKY, Jeffrey  
CHADWELL, Kenneth R.  
COHEN, David M.  
COSTELLO, Margaret A.  
COTHORN, John A.  
CUMMINGS, Owen J.  
DAKMAK, John D.  
DALEY, Karen M.  
DOCTOROFF, Andrew S.  
DUFRANE, Kyle R.  
EDWARDS, Sharon-Lee  
EISENBERG, Stuart B.  
ELLIOTT, Sylvia J.  
ESSAD, Kenneth M.  
ESSHAKI, Gene J.  
FIELDMAN, Elaine S.  
FISCHER, Paul J.  
FISHER, Dodd B.  
FRIMPONG, Ben K.  
GAZALL, Robert S.  
GARBARINO, Linda M.  
GESKEY, Stephen M.

**WAYNE COUNTY**  
(Continued)

GRUSKIN, Michael A.  
GULLEN, John D.  
HAMPTON, Verne C., II  
HURWITZ, Miles A.  
JACOBS, John P.  
JADALLAH, Samer Naim  
JARBOU, Hala Y.  
JORDAN, Teri A.  
KASIBORSKI, Chester E., Jr.  
KITCH, Richard A.  
KUPLICKI, Francis P.  
LAKE, Timothy W.  
LEMIRE, John J.  
LIZZA, John B.  
LONGSTREET, Kristine Heard  
MAVEAL, Gary M.  
McGRAW, Stephen D.  
McLAIN, Patrick  
MILLER, Bruce A.  
MILLER, C. David, II  
MOHSIN, Saima S.  
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.  
SERYAK, Richard J.  
SHERROD, Patricia L.  
SINCLAIR, Jennifer J.  
SMITH, Margaret M.  
TALON, Marianne G.  
TEALL, Graham L.  
THOMAS, Cynthia G.  
TRZCINSKI, Thomas J.  
TUKEL, Jonathan  
URSO, John R.  
VAN HOEK, Dawn A.  
WATZA, Michael J.  
WELLER, Robert Y., II  
WHITE, Lynda D.  
WIDLAK, Anne  
WILLIAMS, Avery K.  
WYNNE, James E.  
YOTT, Cynthia K.

**WEXFORD COUNTY**

McCURDY, David S.  
PETERSON, David R.<sup>#</sup>



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