

FILED  
ATTORNEY DISCIPLINE BOARD  
17 JUN -2 PM 3:30

State of Michigan  
Attorney Discipline Board

Grievance Administrator,  
Michigan Attorney Grievance Commission,

Petitioner,

Case No. 17-66-GA

v

Carl L. Collins III, P55982,

Respondent.

---

**Formal Complaint**

**(Parties and Jurisdiction)**

1. Petitioner, Grievance Administrator, is authorized by MCR 9.109(B)(6) to prosecute this Formal Complaint by the Attorney Grievance Commission, which is the prosecution arm of the Supreme Court for the discharge of its constitutional responsibility to supervise and discipline Michigan attorneys.

2. As a licensed Michigan attorney, Respondent is subject to the jurisdiction of the Supreme Court and the Attorney Discipline Board as set forth in MCR 9.104.

3. Michigan attorneys have a duty to conduct themselves personally and professionally at all times in conformity with the standards imposed on members of the bar as a condition of the privilege to practice law.

4. Respondent is a Michigan attorney who was licensed in 1996 and who has his place of business in the County of Oakland.

**Count One**  
**(Tonya McKinney)**

**(Factual Allegations)**

1. In or around June 2010, Tonya McKinney retained Respondent for representation in a personal injury matter following injuries she sustained in a car accident.
2. On or about January 13, 2011, Respondent filed a complaint in the Wayne County Circuit Court on Ms. McKinney's behalf, case number 11-000492-NI.
3. On or about October 14, 2015, the first- and third-party actions were arbitrated before a panel of three arbitrators.
4. At the conclusion of the arbitration hearing, the arbitrators awarded Ms. McKinney \$3,500 for the first-party benefits and \$9,500 for the third-party benefits.
5. On or about November 3, 2015, Ms. McKinney filed a request for investigation at Petitioner's office against Respondent.
6. On or about November 23, 2015, Respondent's answer to the request for investigation was received at Petitioner's office.
7. On or about April 11, 2016, during the investigation of the matter, Petitioner's counsel sent a letter to Respondent's counsel inquiring about the status of releasing the settlement proceeds to Ms. McKinney.
8. On or about April 13, 2016, two checks in the amounts of \$3,500 and \$9,500 payable to Tonya McKinney and Law Office of Carl L. Collins III were personally delivered to Respondent's office.
9. On or about May 9, 2016, Ms. McKinney appeared at Respondent's office to endorse the two checks.
10. On or about May 12, 2016, Respondent sent a letter in response to the April 11,

2016, inquiry letter in which Respondent stated, “After much effort and discussion with Ms. McKinney finally appeared on May 9, 2016 to sign the checks. The judge has to grant our motion to approve settlement (Covenant motion – new law) before the funds can be release. Concerning the Uninsured Motorist [third-party] case, the funds will be produced upon them clearing the banking channels which is 5-10 days.”

11. Respondent’s statement that the judge “has to grant our motion to approve settlement” was false because no motion was pending before the judge at that time.

12. On or about May 26, 2016, Ms. McKinney appeared at Respondent’s office and signed a distribution of settlement statement with regard to the third-party check (\$9,500). On that day, Ms. McKinney also received a check in the amount of \$5,263.67 as her share of the \$9,500 settlement proceeds.

13. On or about October 18, 2016, Petitioner’s counsel sent an e-mail to Respondent asking for confirmation of disbursement of the arbitration award proceeds to Ms. McKinney.

14. On or about October 18, 2016, Respondent replied to the above e-mail inquiry by stating, “Only the third party check. The PIP check has to be approved through a covenant motion. I don’t have the date presently that the court will hear the motion.”

15. Respondent’s statement that he did not have the date that the court would hear the motion was false because no motion had been filed before the court.

16. On or about October 19, 2016, Petitioner’s counsel sent an e-mail to Respondent requesting documentation showing that the third-party check had been disbursed to Ms. McKinney and to provide a copy of the motion filed with the court regarding the first-party (PIP) check.

17. In response to the October 19, 2016 e-mail, Respondent sent an e-mail on October 19, 2016, at 10:51 p.m. attaching Plaintiff’s Motion for Equitable Apportionment filed<sup>1</sup> with the

Wayne County Clerk on October 19, 2016 at 4:16 p.m.

18. Respondent had directed his paralegal, Dione Patillo, to draft the motion for equitable apportionment for filing; however, it was Respondent's obligation to diligently attend to Ms. McKinney's matter.

19. On or about December 15, 2016, the hearing regarding the Motion for Equitable Apportionment was held before the court. The court orally granted the motion.

20. On or about December 15, 2016, a check in the amount of \$1,908.30 payable to Ms. McKinney for her first-party (PIP) proceeds and the distribution of settlement statement were given to Ms. McKinney.

21. On or about January 10, 2017, the court's order approving the proposed distribution was entered.

**(Grounds for Discipline)**

22. By reason of the conduct described above in Count One of this Formal Complaint, Respondent has committed the following misconduct and is subject to discipline under MCR 9.104 as follows:

- a) failed to promptly pay or deliver funds that the client was entitled to receive, in violation of MRPC 1.15(b)(3);
- b) failed to act with reasonable diligence and promptness in representing a client, in violation of MRPC 1.3;
- c) knowingly made false statements of material fact in connection with a disciplinary matter, in violation of MRPC 8.1(a)(1);
- d) failed to adequately supervise a nonlawyer assistant

- employed by the lawyer, in violation of MRPC 5.3(a), (b), and (c);
- e) violated or attempted to violate the Rules of Professional Conduct, in violation of MRPC 8.4(a);
  - f) engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation, where such conduct reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer, in violation of MRPC 8.4(b);
  - g) engaged in conduct that exposes the legal profession or the courts to obloquy, contempt, censure, or reproach, in violation of MCR 9.104(2);
  - h) engaged in conduct that is contrary to justice, ethics, honesty, or good morals, in violation of MCR 9.104(3); and,
  - i) made a knowing misrepresentation of any facts or circumstances surrounding a request for investigation, in violation of MCR 9.104(6).

**Count Two**  
**(Raymond Jones, Brionne Jones, Antonio Ortega)**

**(Factual Allegations)**

23. On or about January 22, 2015, Raymond Jones, Brionne Jones, and Daniel Ortega were riding in a car in the Detroit People Mover when the vehicle struck the entry to or the wall within a station, which caused injury to each of them.

24. Shortly after the accident, Mr. Jones, Ms. Jones, and Mr. Ortega all retained

Respondent.

25. MCL 124.419 requires that all claims arising in connection with the transportation authority must be provided in writing and be signed by the claimant(s), give the details of the accident, give the specific location of the accident, identify all known witnesses, set forth all known injuries, and be filed with the appropriate agency within 60 days.

26. On or about February 17, 2015, Respondent sent a letter to Mackinaw Administrators, the administrator for the Detroit People Mover, stating that he represents Brionne Jones in a third-party action only and not in a first-party claim.

27. On or about July 11, 2015, Brionne Jones signed a letter to Respondent, which was mailed to him on August 24, 2015, terminating his services and requesting that her file be turned over to her new counsel, Ronald A. Steinberg.

28. On or about October 6, 2015, Respondent sent a letter to Mackinaw stating that he represents Mr. Jones, Ms. Jones, and Mr. Ortega in their January 22, 2015 occurrence on the Detroit People Mover.

29. Respondent's letters of February 17, 2015, and October 6, 2015, did not meet with the statutory notice requirements.

30. Because Ms. Jones had earlier terminated Respondent's services, he had no authority to send a letter on her behalf to Mackinaw in October, 2015.

31. On or about October 15, 2015, Raymond Jones signed a letter to Respondent, which was mailed to him on October 26, 2015, terminating his services and requesting that his file be turned over to his new counsel, Ronald A. Steinberg.

32. On or about October 26, 2015, Antonio Ortega signed a letter to Respondent, which was mailed to him on November 24, 2015, terminating his services and requesting that his file be

turned over to his new counsel, Ronald A. Steinberg.

33. Upon the terminations of Respondent's representation, Respondent was obligated to protect the clients' interests, including surrendering paper and property to which the clients were entitled.

34. At some point, Respondent instructed his file clerk to place the three client files at Respondent's front desk for retrieval.

35. The files were placed at Respondent's front desk.

36. Respondent represented that a person named "Darryl" picked up the files.

37. Ronald Steinberg had no employee by the name of Darryl.

38. At no time did Mr. Steinberg ever receive the complete client files.

39. Respondent did not appropriately supervise his nonlawyer assistant in turning over the client files to attorney Ronald Steinberg.

40. Respondent did not take reasonable steps to ensure that Ms. Jones', Mr. Jones', and Mr. Ortega's files were turned over to attorney Ronald Steinberg.

41. On or about February 4, 2016, Mr. Steinberg filed a legal malpractice action against Respondent on behalf of Mr. Jones, Ms. Jones, and Mr. Ortega in the Wayne County Circuit Court, case number 16-001529-NM.

42. On or about October 20, 2016, an order of dismissal was entered in the case because the case settled.

#### **(Grounds for Discipline)**

43. By reason of the conduct described above in Count Two of this Formal Complaint, Respondent has committed the following misconduct and is subject to discipline under MCR 9.104 as follows:

- a) failed to provide competent representation to his clients, in violation of MRPC 1.1;
- b) neglected a legal matter entrusted to him, in violation of MRPC 1.1(c);
- c) failed to seek the lawful objectives of the client, in violation of MRPC 1.2(a);
- d) upon termination of the representations, failed to take reasonable steps to protect his clients' interests, such as surrendering papers and property to which the clients were entitled, in violation of MRPC 1.16(d);
- e) failed to adequately supervise a nonlawyer assistant employed by the lawyer, in violation of MRPC 5.3(a), (b), and (c);
- f) violated or attempted to violate the Rules of Professional Conduct, in violation of MRPC 8.4(a);
- g) engaged in conduct that exposes the legal profession or the courts to obloquy, contempt, censure, or reproach, in violation of MCR 9.104(2); and,
- h) engaged in conduct that is contrary to justice, ethics, honesty, or good morals, in violation of MCR 9.104(3).

**Count Three**  
**(Todd Greenberg)**

**(Factual Allegations)**

44. Todd Greenberg works for Bridgeway Legal Funding, a company that provides pre-settlement advances to injured plaintiffs of personal injury claims.

45. Pearline Johnson and Stacey Pinkett were clients of Respondent.

46. On or about June 30, 2011, Ms. Johnson signed an investment agreement with Bridgeway.

47. As part of Ms. Johnson's investment agreement, an attorney lien acknowledgement was sent to and signed by Respondent, or his authorized representative.

48. On or about May 31, 2012, Ms. Pinkett signed an investment agreement with Bridgeway.

49. As part of Ms. Pinkett's investment agreement, an attorney lien acknowledgement was sent to and signed by Respondent, or his authorized representative.

50. On or about December 21, 2012, Ms. Johnson signed a settlement agreement and release.

51. Because the liens and attorney fee from Ms. Johnson's settlement exceeded the amount of the total settlement, neither Ms. Johnson nor Bridgeway recovered any monies from the settlement proceeds.

52. On or about December 10, 2013, Ms. Pinkett signed a release.

53. In Ms. Pinkett's matter, the February 2014 distribution of settlement statement reflects that Bridgeway was entitled to \$2,881.

54. In or around March of 2014, an employee of Respondent's office informed Mr. Greenberg that a check had been sent to Bridgeway.

55. Bridgeway received no check from Respondent's office and contacted the office again in November 2014.

56. In November 2014, Mr. Greenberg spoke with Loni Ramocan, Respondent's office accountant, who stated that a check had been sent in March 2014 and that she would look up the check. Ms. Ramocan further stated that if the check was not cashed, she would issue another.

57. Despite numerous telephone calls, e-mails, and letters, over several months, Mr. Greenberg did not receive any check.

58. As a result of not receiving a check, Mr. Greenberg filed a request for investigation with the Attorney Grievance Commission, which was received on July 20, 2015.

59. On or about August 20, 2015, Respondent sent a check in the amount of \$2,881 to Mr. Greenberg at Bridgeway.

60. Neither Respondent nor anyone from his office explained to Mr. Greenberg that Ms. Johnson's settlement was insufficient to cover Bridgeway's lien.

**(Grounds for Discipline)**

61. By reason of the conduct described above in Count Three of this Formal Complaint, Respondent has committed the following misconduct and is subject to discipline under MCR 9.104 as follows:

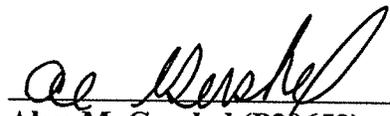
- a) failed to promptly pay or deliver funds that a third person was entitled to receive, in violation of MRPC 1.15(b)(3);
- b) failed to adequately supervise a nonlawyer assistant employed by the lawyer, in violation of MRPC 5.3(a), (b), and (c);
- c) violated or attempted to violate the Rules of Professional

Conduct, in violation of MRPC 8.4(a);

- d) engaged in conduct that exposes the legal profession or the courts to obloquy, contempt, censure, or reproach, in violation of MCR 9.104(2); and,
- e) engaged in conduct that is contrary to justice, ethics, honesty, or good morals, in violation of MCR 9.104(3).

Wherefore, Respondent should be subjected to such discipline as may be warranted by the facts or circumstances of such misconduct, including any restitution owed.

Dated: June 2, 2017

  
\_\_\_\_\_  
**Alan M. Gershel (P29652)**  
Grievance Administrator  
Attorney Grievance Commission  
535 Griswold St, Suite 1700  
Detroit, MI 48226  
(313) 961-6585