

State of Michigan
Attorney Discipline Board

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ATTORNEY DISCIPLINE BOARD
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Grievance Administrator,
Michigan Attorney Grievance Commission,

Petitioner,

Case No. 17-77-GA

v

Daniel G. Romano, P49117

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 1993 and who resides or has his place of business in the County of Oakland.

(Factual Allegations)

5. On September 16, 2010, Kevin Ivie was shot and killed by Detroit Police Department officers who were responding to a call about an armed robbery.
6. On October 21, 2010, Mr. Ivie's mother Toyia Kelly retained Respondent to pursue possible claims against the City of Detroit ("City") related to the shooting.
7. An estate was opened for Mr. Ivie and Ms. Kelly was appointed personal representative of the estate.
8. Pursuant to applicable caselaw, the estate had three years, or until September 16, 2013, to file any §1983 claims against the City.
9. On February 17, 2011, Respondent filed Freedom of Information Act requests with the City in order to investigate claims of Mr. Ivie's estate.
10. In July of 2013, the City filed for bankruptcy protection in the United States District Court for the Eastern District of Michigan.
11. The bankruptcy filing resulted in an automatic stay on the filing of any potential claims by the Ivie estate against the City.
12. While the stay was in place, Respondent continued efforts to resolve the claims of the estate.
13. In April 2014, Respondent attended a settlement conference with the City to discuss and possibly settle the claims of the Ivie estate.
14. On June 19, 2014, the City tendered an Agreement Resolving Claim offering payment of \$25,000 to settle the claims of the estate.
15. On December 10, 2014, the bankruptcy stay was lifted.

16. Pursuant to 11 USC § 108(c), because the original statute of limitations expired during the bankruptcy stay, the estate had until 30 days after the stay was lifted, or until January 9, 2015, to file an action against the city.

17. Respondent did not file an action within the 30-day period.

18. In March of 2015, the City filed a motion in the bankruptcy court seeking approval of the proposed settlement.

19. The motion was rejected by the bankruptcy court.

20. On September 14, 2015, Respondent filed a complaint in United States District Court for the Eastern District of Michigan captioned *Estate of Kevin Ivie v. Detroit Police Officer Bradley Clark, et. al.*, Case No. 2:15-cv-13239.

21. This complaint was filed several months after the statutory deadline.

22. On December 21, 2015, the City filed a motion to dismiss the complaint arguing that it was time-barred.

23. On February 29, 2016, the court issued an opinion and order ruling that the complaint was not timely filed. The court dismissed the case.

24. Respondent did not provide Ms. Kelly with a copy of the dismissal.

(Grounds for Discipline)

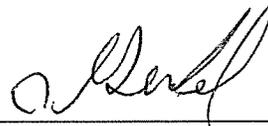
25. By reason of the conduct described above in this Formal Complaint, Respondent has committed the following misconduct and is subject to discipline under MCR 9.104 as follows:

- a) neglecting a legal matter entrusted to him, in violation of MRPC 1.1(a);

- b) failing to act with diligence and promptness in representing a client, in violation of MRPC 1.3,
- c) failing to keep a client reasonably informed about the status of a matter, in violation of MRPC 1.4(a);
- d) failing to explain a matter to the extent reasonably necessary to permit the client to make informed decisions, in violation of MRPC 1.4(b);
- e) engaging in conduct that exposes the legal profession or the court to obloquy, contempt, censure, or reproach, in violation of MCR 9.104(2); and,
- f) engaging 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: July 11, 2017



Alan M. Gershel (P29652)
Grievance Administrator
Attorney Grievance Commission
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