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ATTORNEY DISCIPLINE BOARD  
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**State of Michigan**  
**Attorney Discipline Board**

**Grievance Administrator,  
Attorney Grievance Commission,**

**Petitioner**

**Case No.17-56-GA**

**v**

**Dirk Marinus Roskam, P62988,**

**Respondent**

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**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 became licensed in Michigan on July 3, 2003, and who previously maintained his principal office in Grand Rapids, Michigan, and whose current address on record with the State Bar of Michigan is in Orlando, Florida.

(Factual Allegations)

5. At all times relevant hereto, Respondent was the owner and operator of Fowler, O'Quinn, Feeney, and, Sneed, PC, an independent law firm, but one associated with a Florida law firm.

6. At all times relevant to this Formal Complaint, Respondent maintained an IOLTA with Chase Bank titled: "Fowler, O'Quinn, Feeney and Sneed IOLTA Trust Account, number XXXXXX125 (hereinafter "IOLTA").

7. During the period of January 2013 to approximately April 2014, Respondent authorized Mr. Ochieko Obande, who was employed by Respondent as a paralegal, and then beginning in November 2013 as an associate attorney, to deposit and withdraw client funds in the IOLTA.

8. At all times relevant hereto, Respondent was the supervisor of Mr. Obande.

9. During the period of January 2013 to approximately April 2014, Respondent and Mr. Obande deposited and withdrew or caused to be withdrawn client funds via checks and/or electronic disbursements to pay the clients' creditors, contractors, providers, and/or vendors.

10. The clients referenced in paragraph number 9 above include but were not limited to an individual who will be identified herein as John Doe, who owned an entity which will be referred to herein as John Doe's Company, and an unrelated individual who will be referred to herein as Jane Doe.

11. During the period of January 1, 2013 to April 12, 2015, client funds of John Doe's Company in the total amount of \$1,241,196 were deposited in the IOLTA, but

total funds of \$1,328,196 were withdrawn by Respondent and/or Mr. Obande and disbursed to pay contractors, vendors, and other creditors of John Doe's Company, relative primarily to a construction project, creating a net deficiency of (\$-87,000).

12. During the period of January 1, 2014 to April 12, 2015, total deposits in Respondent's IOTLA account on behalf of client Jane Doe were \$33,500, but total withdrawals and disbursements by Respondent and/or Mr. Obande to her or on her behalf were in the amount of \$40,728, creating a net deficiency of (\$-7,228).

13. During said period of time, Respondent deposited his personal and/or business funds in the IOLTA to offset the shortage of client funds for disbursement as described above.

14. Respondent made the following deposits of his personal and/or business funds in his IOLTA account:

a)	June 1, 2013:	\$10,087.78
b)	June 19, 2013:	\$ 2,161.78
c)	August 1, 2013:	\$ 1,484.21
d)	August 1, 2013:	\$ 67.56
e)	April 30, 2014:	<u>\$ 1,801.78</u>
	<b>Total:</b>	<b>\$15,603.11</b>

15. John Doe's Company eventually satisfied its deficit of funds in the IOLTA relative to the disbursements made on its behalf.

16. Fowler, O'Quinn, Feeney, and Sneed, P.C. is currently closed.

(Grounds for Discipline)

17. 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:

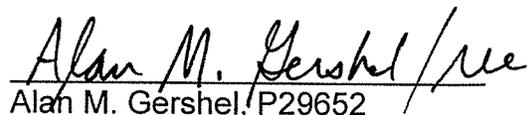
- a) Withdrew and disbursed funds from his IOLTA on behalf of clients that were in excess of said clients' funds deposited in the IOLTA, in violation of MRPC 1.15(b)(3);
- d) Failed to identify and appropriately safeguard the funds of clients on deposit in his IOLTA from of other clients' disbursements, in violation of MRPC 1.15(d);
- c) Failed to keep the funds of clients and/or third persons held in his IOLTA in connection with a representation separate from his own, in violation of MRPC 1.15(d);
- d) Maintained on deposit in an IOLTA his own funds in an amount more than reasonably necessary to pay financial institution charges or fees, in violation of MRPC 1.15(f);
- e) As a lawyer having direct supervisory authority over an employee who was initially a non-lawyer but who eventually became one, failed

to make reasonable efforts to ensure that the employee, first as a non-lawyer, and then later as a lawyer, conformed to the Rules of Professional Conduct, in violation of MRPC 5.1(b) and/or 5.3(b); and,

- f) Ordered, or with knowledge of the relevant facts and actions of the subordinate non-lawyer who eventually became a a lawyer, ratified the conduct involved, or failed to take reasonable remedial action notwithstanding having knowledge of the conduct at the time when its consequences could have been avoided, in violation of MRPC 5.1(c)(1) and (2) and/or 5.3(c)(1)( and (2);
- g) Engaged in conduct that exposes the legal profession or the court to obloquy, contempt, censure, or reproach, in violation of MCR 9.104(2); and,
- h) Engaged in conduct that is contrary to ethics and that violates the rules of professional conduct, in violation of MCR 9.104(3) and (4).

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

Dated: May 16, 2017

  
Alan M. Gershel, P29652  
Grievance Administrator  
Attorney Grievance Commission  
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