

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. 17-44-GA

v

Evan H. Callanan, Jr., P30564,

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 1979 and who resides or had his last place of business in Wayne County.

(Factual Allegations)

5. At all times relevant to this Formal Complaint, Respondent had an IOLTA in the name of "Evan H Callanan Jr Attorney At Law" at JP Morgan Chase, Account Number XXXXX2407 ("Respondent's IOLTA").

6. Respondent's IOLTA records reflect that between December of 2011 and July of 2016, Respondent deposited funds received on behalf of clients and/or third parties into the IOLTA.

7. During the time period of December of 2011 through at least October of 2014, Respondent, on multiple occasions, withdrew funds from his IOLTA by transfers directly from MGM Casino, ranging from \$300 to in excess of \$1,000. Those payments included, but were not limited to the following:

- a) On or about December 1 through December 31, 2011, Respondent made seven (7) withdrawals from his IOLTA to MGM Casino Detroit in the amount of \$730.00;
- b) On or about May 1 through May 31, 2012, Respondent made five (5) withdrawals from his IOLTA to MGM Casino Detroit in the amount of \$840.00;
- c) On or about August 1 through August 31, 2012, Respondent made nine (9) withdrawals from his IOLTA to MGM Casino Detroit in the amount of \$1,220.00;

- d) On or about December 1 through December 31, 2012, Respondent made ten (10) withdrawals from his IOLTA to MGM Casino Detroit in the amount of \$1,140.00;
- e) On or about April 1 through April 30, 2013, Respondent made two (2) withdrawals from his IOLTA to MGM Casino Detroit in the amount of \$300.00;
- f) On or about December 1 through December 31, 2013, Respondent made ten (10) withdrawals from his IOLTA to MGM Casino Detroit in the amount of \$1,160.00;
- g) On or about March 1 through March 31, 2014, Respondent made six (6) withdrawals from his IOLTA to MGM Casino Detroit in the amount of \$840.00; and,
- h) On or about October 1 through October 31, 2014, Respondent made ten (10) withdrawals from his IOLTA to MGM Casino Detroit in the amount of \$1,180.00.

8. From December 2011 through at least October of 2014, Respondent maintained earned fees within his IOLTA while his IOLTA contained client funds, or third party funds, for which Respondent had a fiduciary duty, thereby commingling Respondent's personal funds and client funds.


(Grounds for Discipline)

9. 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) Engaged in conduct that exposes the legal profession or the courts to obloquy, contempt, censure, or reproach, in violation of MCR 9.104(2);
- b) Engaged in conduct that is contrary to justice, ethics, honesty, or good morals, in violation of MCR 9.104(3);
- c) Engaged in conduct that violates the standards or rules of professional responsibility adopted by the Supreme Court, in violation of MRPC 9.104(4);
- d) Held funds in an IOLTA that were not client or third person funds, in violation of MRPC 1.15(a)(3);
- e) Failed to hold property of clients or third persons in connection with the representation separate from the lawyer's property, in violation of MRPC 1.15(d);
- f) Deposited his own funds into a client trust account in excess of an amount reasonably necessary to pay financial institution service charges or fees, in violation of MRPC 1.15(f); and,
- g) Violated or attempted to violate the rules of professional conduct, knowingly assisted or induced another to do so, or did so through the acts of another, in violation of MRPC 8.4(a).

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

Dated: April 21, 2017



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