

FILED
ATTORNEY DISCIPLINE BOARD
17 MAR -8 PM 3:39

State of Michigan
Attorney Discipline Board

Grievance Administrator,
Michigan Attorney Grievance Commission,

Petitioner,

Case No. 17-19-GA

v

Jacquise Alicia Ray Purifoy, P74517,

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 2010 and who has her place of business in the County of Wayne, State of Michigan.

(Factual Allegations)

5. On or about March 5, 2014, Samone Pinkney retained Respondent to initiate a divorce action in Michigan.

6. The fee agreement was for a “flat representation fee” of \$2,000, of which \$1,000 was denominated as nonrefundable.

7. On or about March 5, 2014, Ms. Pinkney paid two checks to Respondent: one in the amount of \$1,300 for the attorney fee and one in the amount of \$270 for the filing fee.

8. On or about March 6, 2014, Respondent deposited both checks to her business account held with Michigan First Credit Union.

9. At all times relevant to this complaint, Respondent did not maintain a client trust account.

10. Ms. Pinkney made additional payments to Respondent by cash in the amount of \$350 each on March 20, 2014, and on April 5, 2014.

11. Unbeknownst to Respondent and Ms. Pinkney at the time of the retention, Ms. Pinkney’s husband had initiated a divorce action in Texas.

12. Because of the pending action in Texas, in or around mid to late March of 2014, Respondent enlisted the representation of Texas attorney Jonathan Chatmon on Ms. Pinkney’s behalf.

13. Mr. Chatmon represented Ms. Pinkney to the conclusion of the divorce action in or around November 2015.

14. Because of the divorce action in Texas, Ms. Pinkney inquired of Respondent whether any monies should be refunded.

15. Respondent's initial response about a refund of monies was that Ms. Pinkney could get the filing fee back and that Respondent would have to review her file to determine any other refund.

16. Between December 2014 and March 2015, Ms. Pinkney sent additional text messages to Respondent inquiring about a refund.

17. On or about April 10, 2015, Respondent stated the following in a text message to Ms. Pinkney:

The problem has been your file is in storage and I haven't been in a position to review and determine the \$ owed back to you. I haven't been trying to ignore you. Trying to get everything together by the 15th. I have to petition the court to get a refund for filling [sic] fees.

18. Respondent's statement to Ms. Pinkney that she had to petition the court to get a refund for the filing fee was knowingly false for the reason that no action had been initiated in Michigan.

19. Although Ms. Pinkney attempted to contact Respondent after the April 10, 2015 text message referenced above, Respondent did not reply.

20. On or about September 18, 2015, Ms. Pinkney filed a request for investigation, AGC File No. 1728-15.

21. On or about October 1, 2015, the request for investigation was served on Respondent by regular mail at her address of record with the State Bar of Michigan requesting that she answer.

22. No answer was received from Respondent within twenty-one days of the date of service.

23. On or about November 2, 2015, the request for investigation was served on Respondent by certified mail return receipt requested to her address of record with the State Bar of Michigan, as well as to other addresses.

24. On or about December 16, 2015, the request for investigation was mailed by certified mail return receipt requested to Respondent's home address.

25. Respondent's answer to the request for investigation was received at Petitioner's office on February 11, 2016.

26. With her answer to the request for investigation, Respondent sent a check—drawn on an account different from that to which Ms. Pinkney's \$270 check had been deposited—in the amount of \$270 payable to Ms. Pinkney. The memo line on the check states: "Filing Fees MI divorce case paid in full."

27. On or about March 4, 2016, the \$270 check was forwarded to Ms. Pinkney.

28. On or about April 6, 2016, Ms. Pinkney attempted to negotiate the \$270 check but the check was returned for nonsufficient funds.

29. As of the filing of this complaint, Respondent has not refunded any unearned fee or the filing fee to Ms. Pinkney.

(Grounds for Discipline)

30. 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) engaged in conduct that exposes the legal profession 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) failed to deposit legal fees and expenses paid in advance into a client trust account, in violation of MRPC 1.15(g);
- d) failed to hold property of clients or third persons in connection with a representation separate from her own property, in violation of MRPC 1.15(d);
- e) failed to refund the advance payment of an unearned fee or unused expense upon termination of the representation, in violation of MRPC 1.16(d);
- f) engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation, in violation of MRPC 8.4(b);
- g) violated or attempted to violate the Rules of Professional Conduct, in violation of MRPC 8.4(a); and,
- h) filed an untimely answer to the request for investigation, in violation of MCR 9.104(7) and MCR 9.113(A), (B)(2).

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

Dated: March 9, 2017



Alan M. Gershel (P29652)
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