

FILED
ATTORNEY DISCIPLINE BOARD
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State of Michigan
Attorney Discipline Board

Grievance Administrator,
Michigan Attorney
Grievance Commission,

Petitioner,

v

Case No. 17-21-GA

MacKenzie Batzer Watson, P78048,

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 prosecutorial arm of the Michigan 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 Michigan 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 2014 and who last had a place of business in Genesee County.

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Count One (Jodi Goik)

(Factual Allegations)

5. On or around September 16, 2014, Jodi and Paul Goik (the "Goiks") hired Respondent MacKenzie Batzer Watson ("Respondent") to represent them in a landlord-tenant dispute, as a default had been entered against them.
6. The Goiks paid Respondent \$500 in cash and signed a contract for the representation.
7. Respondent filed an appearance on the Goiks's behalf in the landlord-tenant dispute in 71B District Court in Caro, Michigan.
8. Respondent filed a motion to set aside the default judgment on the Goiks's behalf.
9. The hearing was set for October 8, 2014.
10. Respondent and Mr. Goik appeared at the hearing on October 8, 2014.
11. At the hearing, the court set aside the default and ordered the Goiks to pay \$200 to the plaintiff/landlord and ordered Respondent and the Goiks to file an answer within fourteen days.
12. Respondent told the Goiks that she would take care of everything.
13. The Goiks paid an additional \$100 in cash to Respondent to take care of the issues.
14. After the hearing, the Goiks never heard from Respondent again, despite repeated calls and emails.
15. At some time, the Goiks called Respondent's office; they were informed that Respondent no longer worked for that office.
16. On or around November 19, 2014, the court called Respondent to inquire as to

where the order was; the court was unable to get in contact with Respondent.

17. The plaintiff thereafter moved to dismiss the motion to set aside the default.

18. The court granted the motion, awarded \$200 to the plaintiff, and mailed the order to Respondent's address.

19. In or around December 2014, the court issued writs of garnishment against the Goiks.

20. Despite objecting to the writs, at the case's end, the Goiks were held responsible for the default judgment in the amount of \$1,236.67.

(Grounds for Discipline)

21. 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. Respondent failed to conduct herself with reasonable diligence and promptness in representing a client, in violation of MRPC 1.3;
- b. Respondent neglected a legal matter entrusted to her, in violation of MRPC 1.1(c);
- c. Respondent failed to seek the lawful objectives of her clients, in violation of MRPC 1.2(a);
- d. Respondent failed to keep her client reasonably informed about the status of a matter and comply promptly with reasonable requests for information, in violation of MRPC 1.4(a);
- e. Respondent failed to explain a matter to the extent reasonably necessary to permit his client to make informed decisions regarding the representation,

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- in violation of MRPC 1.4(b);
- f. Respondent failed to properly terminate and protect her clients' interests, in violation of MRPC 1.16(d);
- g. Respondent violated or attempted to violate the Rules of Professional Conduct, in violation of MRPC 8.4(a);
- h. Respondent engaged in conduct that is prejudicial to the administration of justice, in violation of MCR 9.104(1) and MRPC 8.4(c);
- i. Respondent 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
- j. Respondent engaged in conduct that is contrary to justice, ethics, honesty, or good morals, in violation of MCR 9.104(3).

Count II (Failure to Answer Request for Investigation)

(Factual Allegations)

22. On November 24, 2015, the Request for Investigation that is the subject of this Formal Complaint was served on Respondent at her address of record with the State Bar of Michigan in accordance with MCR 9.112(C)(1)(b).

23. Respondent did not answer the Request for Investigation within 21 days of service, as required by MCR 9.113(A).

24. On January 5, 2016, A Final Notice, with a copy of the Request for Investigation enclosed, was served on Respondent at her address of record with the State Bar of Michigan, by certified mail, return receipt requested.

25. The certified mail was returned as "not deliverable as addressed" and "unable to

forward.”

26. Respondent failed to answer the Request for Investigation.

(Grounds for Discipline)

27. 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. Respondent failed to answer the Request for Investigation, in violation of MCR 9.104(7), MCR 9.113(A), and (B)(1);
- b. Respondent engaged in conduct prejudicial to the proper administration of justice, in violation of MRPC 8.4(c) and MCR 9.104(1);
- c. Respondent 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
- d. Respondent engaged in conduct that is contrary to justice, ethics, honesty, or good morals, in violation of MCR 9.104(3).

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

Dated: 3/8/17



Alan M. Gershel (P29652)
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