

**State of Michigan
Attorney Discipline Board**

FILED
ATTORNEY DISCIPLINE BOARD
17 MAY 16 PM 3:27

**Grievance Administrator,
Michigan Attorney Grievance Commission,**

Petitioner,

Case No. 17-55-GA

v

Roger Trerice, P45058,

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 1994 and who resides or has his place of business in Bay County, Michigan.

Count One
(Factual Allegations)

5. On or about October 16, 2013, Gerald J. DeSimpelaere filed a complaint for divorce on his own behalf in the Tuscola County Circuit Court, *DeSimpelaere v DeSimpelaere*, Case No. 13-027985-DO.

6. On or about December 23, 2013, Mr. DeSimpelaere retained Respondent for representation in the divorce action.

7. On or about March 14, 2014, Respondent filed his appearance in the divorce action on behalf of Mr. DeSimpelaere.

8. After several adjournments, a hearing on a motion for entry of the judgment of divorce was scheduled for May 11, 2015.

9. Respondent did not appear at the May 11, 2015 hearing.

10. Attorney Brooke Bauer and her client, Debra Ann DeSimpelaere, were present for the hearing. Because she did not represent the plaintiff, Attorney Bauer had not prepared a judgment of divorce and informed the bailiff.

11. As a result of Respondent's failure to appear, the trial court dismissed the case without prejudice in an order entered on May 11, 2015.

12. Respondent informed Mr. DeSimpelaere that he would file the necessary paperwork to reinstate the divorce action.

13. Thereafter, Respondent falsely informed Mr. DeSimpelaere that he filed the necessary paperwork to reinstate the divorce action.

14. Respondent did not reinstate the divorce action by filing or otherwise.

15. Mr. DeSimpelaere retained new counsel, Duane Burgess, who filed a motion to reinstate the case and enter the judgment of divorce on January 27, 2017.

16. The judgment of divorce was entered on February 10, 2017.

(Grounds for Discipline)

17. 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 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 is prejudicial to the administration of justice, in violation of MCR 9.104(1) and MRPC 8.4(c);
- d) neglected a legal matter entrusted to him, in violation of MRPC 1.1(c);
- e) failed to seek the client's lawful objectives through reasonably available means permitted by law, in violation of MRPC 1.2(a);
- f) failed to act with reasonable diligence and promptness in representing a client, in violation of MRPC 1.3;

- g) engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation, in violation of MRPC 8.4(b); and,
- h) violated or attempted to violate the Rules of Professional Conduct, in violation of MRPC 8.4(a).

**Count Two
(Factual Allegations)**

18. On or about August 12, 2016, a request for investigation filed by Mr. DeSimpelaere was served on Respondent at his address of record with the State Bar of Michigan.

19. Respondent did not answer the request for investigation within 21 days of service, as required by MCR 9.113(A).

20. On or about September 9, 2016, the request for investigation was served by certified mail, return receipt requested on Respondent at his address of record with the State Bar of Michigan.

21. Respondent signed for the certified mailing on September 21, 2016.

22. On or about October 5, 2016, Petitioner's counsel sent an e-mail to Respondent about the need to answer the request for investigation.

23. On or about October 6, 2016, another e-mail was sent to Respondent attaching the request for investigation.

24. In October and November 2016, and January 2017, Respondent had e-mail communication with Petitioner's counsel.

25. To date, no answer to the request for investigation has been received from Respondent.


(Grounds for Discipline)

26. 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) engaged in conduct that is prejudicial to the administration of justice, in violation of MCR 9.104(1) and MRPC 8.4(c);
and,
- b) failed to answer a request for investigation, in violation of MCR 9.104(7), 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.

Dated: May 12, 2017



Alan M. Gershel (P29652)
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