

State of Michigan
Attorney Discipline Board

FILED
ATTORNEY DISCIPLINE BOARD
17 APR 20 PM 3: 29

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

Petitioner,

Case Nos. 17-42-PI; 17-43-GA

v

Sally J. Galer, P36791,

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 Sally J. Galer 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 licensed in 1984 and who has her place of business in the county of Oscoda.

Count One

(Allegations of Incapacity)

5. Prior to 2017, Respondent had been on the Oscoda County court-appointment list for many years.

6. Upon information and belief, based upon data from Garry Blair of Mio, Michigan, during Mr. Blair's January 2017 court appearance in the 23rd Circuit Court before Judge Kathryn Root, Respondent appeared wearing tattered clothes and shoes, had an unsanitary odor, and during court proceedings repeatedly spoke of voices in her head.

7. Information from Judge Root confirmed that Respondent, a friend, has a family history of mental illness.

8. Respondent's symptoms have in the past few years become more rapidly severe and disabling.

9. In December 2016, Judge Root spoke with Respondent, who agreed to no longer receive court appointments as a result of her health challenges.

10. Respondent is aware of her declining ability and has visited doctors, but is not improving.

11. Petitioner requests that a hearing panel take action necessary to determine whether Respondent is incapacitated pursuant to MCR 9.121(B)(1) and that the following allegations of professional misconduct be held in abeyance pursuant to MCR 9.121(B)(4).

Count Two

(Factual Allegations)

12. On or about September 28, 2015, Adam Duranso retained Respondent to pursue a custody case involving his children.

13. Respondent performed no legal services for Mr. Duranso.

14. On June 27, 2016, Mr. Duranso filed a grievance with the Attorney Grievance Commission.

15. Respondent's answer to the request for information was due on August 23, 2016 and was filed on August 29, 2016.

16. In her answer, Respondent said, "Mr. Duranso is correct in his statement" that she had done no work for him.

17. In her answer, Respondent explained that she would have filed something for Mr. Duranso but her secretary had a heart attack and she has been moving offices.

18. In her answer, Respondent offered to finish the legal services she was retained for at no cost and to fully refund the fee Mr. Duranso paid.

19. Mr. Duranso accepted Respondent's offer to do the work and return the fee.

20. Respondent again did no work, and returned no money.

21. Mr. Duranso sent Respondent an email on or about October 28, 2016 asking whether anything had been filed.

22. Respondent did not reply to Mr. Duranso's email.

23. In or around February 2017, Mr. Duranso received paperwork from a new attorney as a result of Respondent's undisclosed and unauthorized efforts to find him alternate representation.

24. As of the date of the filing of this formal complaint Respondent has not taken any further action on behalf of Mr. Duranso.

(Grounds for Discipline)

25. 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) neglected a legal matter entrusted to her, in violation of MRPC 1.1(c);
- b) failed to seek the lawful objectives of the client through reasonably available means permitted by law, in violation of MRPC 1.2(a);
- c) failed to act with reasonable diligence and promptness in representing a client, in violation of MRPC 1.3;
- d) failed to adequately communicate with a client, in violation of MRPC 1.4;
- e) failed to provide reasonable notice and time to find other counsel upon termination of the representation, in violation of MRPC 1.16 (d);
- f) failed to surrender paper or property or to refund the advance payment of a fee that has not been earned upon termination of the representation, in violation of MRPC 1.16(d);
- g) engaged in conduct prejudicial to the administration of justice, in violation of MRPC 8.4(c) and MCR 9.104(1);

- h) engaged in conduct that exposes the legal profession to obloquy, contempt, censure, or reproach, in violation of MCR 9.103(2); and,
- i) engaged in conduct that is contrary to justice, ethics, honesty, or good morals, in violation of MCR 9.104(3).

Count Three

(Factual Allegations)

26. In or around August 2014, Cathleen Singler hired Respondent to file a divorce action on her behalf.

27. Respondent did not serve Ms. Singler's ex-husband with divorce papers until October 2014, with no explanation for the delay.

28. At no point did Respondent subpoena bank records, assess marital property, prepare a settlement proposal, or consult Ms. Singler about her representation, strategy, or goals.

29. Respondent appeared for Ms. Singler on the May 8, 2015 court date. There was no communication or demonstrated preparation prior to that appearance.

30. Respondent did not communicate with Ms. Singler following the May 8, 2015 court appearance.

31. Ms. Singler attempted to change attorneys in August 2015.

32. Ms. Singler requested by mail that Respondent send her representation file in anticipation of retaining a new attorney.

33. Respondent never responded to Ms. Singler's request, nor did she send any documents to Ms. Singler.

34. After receiving notice from the court, Ms. Singler attended a status conference in February 2016.

35. Respondent also attended the February 2016 status conference.

36. Respondent brought paperwork to the status conference to help Ms. Singler change attorneys.

37. Ms. Singler attempted to change attorneys.

38. The judge refused to authorize the request.

39. The judgement of divorce was filed on February 25, 2016.

40. Pursuant to the Judgment of Divorce, Ms. Singler was granted half of her husband's State of Michigan pension, payable monthly.

41. Respondent did not communicate with Ms. Singler regarding the entry of the Judgment of Divorce or its terms.

42. In March 2016, the court requested that Ms. Singler amend an inaccuracy in the divorce judgment.

43. Respondent met Ms. Singler at the courthouse and the judgment was amended on March 30, 2016.

44. In April 2016, Ms. Singler contacted the Michigan Office of Retirement Services (MORS) about receiving her share of her husband's pension and learned that the Eligible Domestic

Relations Order (EDRO) was not received until April 18, 2016, almost two months after the Judgment of Divorce was originally filed.

45. On or about April 25, 2016, Ms. Singler received a copy of a letter MORS sent to Respondent, refusing the EDRO because Respondent had not filled in the blank for the date of divorce. The letter instructed Respondent to refile the completed document.

46. As a result of Respondent's failure to refile the EDRO, Ms. Singler cannot collect the \$800/month the Judgment of Divorce grants to her.

47. Despite her efforts to reach Respondent and prompt her to refile the EDRO, Ms. Singler has not spoken with Respondent since the March 2016 meeting.

48. On August 10, 2016, Ms. Singler filed a request for investigation with the Attorney Grievance Commission.

49. In August 2016, Ms. Singler retained new counsel to assist her with resolving the outstanding issues created by Respondent's inaction.

50. Ms. Singler's new counsel mailed to Respondent by certified mail the prepared paperwork allowing substitution of counsel. Although Respondent signed the certified mail receipt confirming delivery of the mailing on November 9, 2016, Respondent has not signed or returned the substitution documents, or otherwise communicated with Ms. Singler or her new counsel.

(Grounds for Discipline)

51. By reason of the conduct described above in Count Three of this formal complaint, Respondent has committed the following misconduct and is subject to discipline under MCR 9.104 as follows:

- a) neglected a legal matter entrusted to her, in violation of MRPC 1.1(c);
- b) failed to seek the lawful objectives of the client through reasonably available means permitted by law, in violation of MRPC 1.2(a);
- c) failed to act with reasonable diligence and promptness in representing a client, in violation of MRPC 1.3;
- d) failed to adequately communicate with a client, in violation of MRPC 1.4;
- e) engaged in conduct prejudicial to the administration of justice, in violation of MRPC 8.4(c) and MCR 9.104(1);
- f) engaged in conduct that exposes the legal profession to obloquy, contempt, censure, or reproach, in violation of MCR 9.103(2); and,
- g) engaged in conduct that is contrary to justice, ethics, honesty, or good morals, in violation of MCR 9.104(3).

Count Four

(Factual Allegations)

52. On or about March 3, 2015, Roger Lietzke retained Respondent to prepare a writ of garnishment for him.

53. Respondent was paid \$225 in full on March 13, 2015.

54. Respondent took no action on behalf of Mr. Lietzke until December 17, 2015, when she wrote a letter to the garnishee requesting payment, providing a two-week deadline, and mentioning a creditor's exam if no response arrived.

55. Respondent did not communicate with Mr. Lietzke either before or after sending the December 17, 2015 letter.

56. The garnishee did not make payment as requested in the letter. Despite the passage of the two-week deadline without payment, Respondent took no action to schedule a creditor's exam.

57. On August 11, 2016, Mr. Lietzke emailed Respondent outlining his frustrations after months of failing to reach her by telephone, mail, or previous emails.

58. Respondent did not reply to Mr. Lietzke's August 11, 2016 email.

59. On August 22, 2016, Mr. Leitzke filed a request for investigation with the Attorney Grievance Commission.

(Grounds for Discipline)

60. By reason of the conduct described above in Count Four of this formal complaint, Respondent has committed the following misconduct and is subject to discipline under MCR 9.104 as follows:

- a) neglected a legal matter entrusted to her, in violation of MRPC 1.1(c);
- b) failed to seek the lawful objectives of the client through reasonably available means permitted by law, in violation of MRPC 1.2(a);

- c) failed to act with reasonable diligence and promptness in representing a client, in violation of MRPC 1.3;
- d) failed to adequately communicate with a client, in violation of MRPC 1.4;
- e) engaged in conduct prejudicial to the administration of justice, in violation of MRPC 8.4(c) and MCR 9.104(1);
- f) engaged in conduct that exposes the legal profession to obloquy, contempt, censure, or reproach, in violation of MCR 9.103(2); and,
- g) engaged in conduct that is contrary to justice, ethics, honesty, or good morals, in violation of MCR 9.104(3).

Count Five

(Factual Allegations)

61. Between January 26, 2016 and February 22, 2016, Diane Kane paid Respondent \$490 by check: \$40 for an initial consultation and \$450 for representation regarding a land contract sale.
62. At the initial consultation, Respondent told Ms. Kane that original documents provided by Ms. Kane would be returned once they were copied.
63. Respondent has never returned Ms. Kane's documents despite requests that she do so.
64. On March 21, 2016, Respondent sent a forfeiture notice to Ms. Kane's defaulting buyer and gave the buyer fifteen days to respond.
65. After the response deadline passed, Respondent performed no other legal services and failed to communicate with Ms. Kane.

66. Ms. Kane has since not heard from Respondent about her representation, still has not received her original land contract, and has been unable to collect at least \$2,000 owed by the defaulting buyer.

(Grounds for Discipline)

67. By reason of the conduct described above in Count Five of this formal complaint, Respondent has committed the following misconduct and is subject to discipline under MCR 9.104 as follows:

- a) neglected a legal matter entrusted to her, in violation of MRPC 1.1(c);
- b) failed to seek the lawful objectives of the client through reasonably available means permitted by law, in violation of MRPC 1.2(a);
- c) failed to act with reasonable diligence and promptness in representing a client, in violation of MRPC 1.3;
- d) failed to adequately communicate with a client, in violation of MRPC 1.4;
- e) engaged in conduct prejudicial to the administration of justice, in violation of MRPC 8.4(c) and MCR 9.104(1);
- f) engaged in conduct that exposes the legal profession to obloquy, contempt, censure, or reproach, in violation of MCR 9.103(2); and,

- g) engaged in conduct that is contrary to justice, ethics, honesty, or good morals, in violation of MCR 9.104(3).

Count Six

(Factual Allegations)

68. The following unrelated requests for investigation were served on Respondent at her address of record with the State Bar of Michigan, in Mio, Michigan, in accordance with MCR 9.112(C)(1)(b) as follows:

AGC File No.	Complainant	Date Served
16-0759	Cathleen Singler	8/23/16
16-0901	Roger Lietzke	9/1/16
16-1708	Diane Kane	12/9/16

69. Respondent did not answer the above-referenced requests for investigation within twenty-one days of service, as required by MCR 9.113(A).

70. The above-referenced requests for investigation then were mailed by certified mail, return receipt requested, to Respondent both at her address of record with the State Bar and to an alternate available address in Fairview, MI, as follows:

AGC File No.	Served By Certified Mail	Signed by Respondent
16-0759	9/28/16	12/6/16 (both Mio and Fairview)
16-0901	10/10/16	11/8/16 (Mio), and
	11/23/16	12/6/16 (Fairview)
16-1708	1/25/17	2/7/17 (Mio)

71. On February 6, 2017, Petitioner's counsel attempted to contact Respondent at the telephone number listed on her most recent correspondence, (989) 848-2400.

72. In the answering machine recording, Respondent identified the number called as the number for her law office.

73. Petitioner's counsel left a voicemail asking for a reply.

74. Petitioner has not received a reply.

75. On February 6, 2017, Petitioner's counsel emailed Respondent using the email address she included on her correspondence, and which the four Complainants used during their initial communication with Respondent, galerhome@m33access.com.

76. Petitioner's counsel received no response to the email.

77. On February 10, 2017, Petitioner's counsel dialed Respondent's telephone number of record, (989) 926-3400, but could not leave Respondent a voicemail because the mailbox was full.

78. As of the date of the filing of this formal complaint, Respondent has not answered the request for investigations filed under File Nos. 16-0759, 16-0901, and 16-1708 or otherwise contacted Petitioner's office.

(Grounds for Discipline)

79. By reason of the conduct described above in Count Six of this formal complaint, Respondent has committed the following misconduct and is subject to discipline under MCR 9.104 as follows:

- a) failed to answer three requests for investigation, in violation of MCR 9.104(7), MCR 9.113(A), and MCR 9.113(B)(2);
and,
- b) engaged in conduct prejudicial to the administration of justice, in violation of MRPC 8.4(c) and MCR 9.104(1).

Wherefore, Petitioner respectfully requests that Respondent be subjected to the discipline that is warranted by the facts or circumstances of such misconduct, including any restitution owed.

Dated: April 20, 2017



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