

State of Michigan
Attorney Discipline Board

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ATTORNEY DISCIPLINE BOARD
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**Grievance Administrator,
Michigan Attorney Grievance Commission,**

Petitioner,

v

Case No. 17-15-GA

Susan Reed, P26897,

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 1976 and who resides or has her place of business in the County of Wayne.

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Count One
(Factual Allegations)

5. Respondent was appointed to represent Derrick Chappel in a criminal matter on November 27, 2013.

6. Respondent met with Mr. Chappel briefly the day she was appointed.

7. Respondent discussed with Mr. Chappel the prosecutor's offer to resolve the case by a guilty plea.

8. Mr. Chappel declined the plea deal in favor of proceeding to trial.

9. After the brief initial meeting, Respondent had no further communications with Mr. Chappel prior to his pre-trial hearing scheduled for February 20, 2014.

10. At that hearing, Mr. Chappel asked that Respondent be removed from his case due to lack of communication; however, the court declined to remove Respondent.

11. The case was scheduled to go to trial on March 16, 2014.

12. Prior to trial, Respondent did not answer telephone calls and letters from Mr. Chappel.

13. Respondent did not meet with or communicate with Mr. Chappel again until March 15, 2014, one day before trial.

14. Respondent met with Mr. Chappel for a matter of minutes.

15. Respondent did not explain her legal strategy to Mr. Chappel or provide information about how his defense would be conducted.

16. Mr. Chappel's case proceeded to trial and he was represented by Respondent at trial and sentencing.

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17. Mr. Chappel was subsequently convicted and sentenced to 40-80 years in prison.

(Grounds for Discipline)

18. 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) failed to keep a client reasonably informed about the status of a matter and failing to comply promptly with reasonable requests for information in violation of MRPC 1.4(a);
- b) failed to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation, in violation of MRPC 1.4(b);
- c) 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.
- d) engaged in conduct that is contrary to justice, ethics, honesty, or good morals, in violation of MCR 9.104(3).

Count Two

19. On or about May 24, 2016, a Request for Investigation filed by Derrick Chappel under AGC File No. 0943-16 was served on Respondent pursuant to MCR 9.112(C)(1)(b).

20. Respondent failed to answer the Request for Investigation within 21 days of service, as required by MCR 9.113(A) and MRPC 8.1(a)(2).

21. On or about June 23, 2016, a Final Notice, with a copy of the Request for Investigation enclosed, was served on Respondent, by certified mail, return receipt requested, advising her that failure to answer within 10 days would subject her to formal charges of misconduct.

22. Respondent did not answer the Final Notice.

23. On August 25, 2016, Petitioner sent an e-mail to Respondent with a copy of the Request for Investigation attached. Petitioner requested that Respondent answer the Request for Investigation to avoid the issuance of a subpoena and the filing of formal disciplinary charges.

24. Respondent did not answer the e-mail.

25. To date, Respondent has not submitted an answer to the Request for Investigation.

(Grounds for Discipline)


26. By reason of the conduct described in Count Two of this Complaint, Respondent has engaged in the following professional misconduct:

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- a) knowing failure to respond to a lawful demand for information from a disciplinary authority, in violation of MRPC 8.1(a)(2);
- b) failure to answer the Request for Investigation in conformity with MCR 9.113(A), in violation of MCR 9.104(7);
- c) conduct that is a violation of the Michigan Rules of Professional Conduct, in violation of MRPC 8.4(a) and MCR 9.104(A)(4);
- d) conduct that is prejudicial to the administration of justice, in violation of MRPC 8.4(c) and MCR 9.104(A)(1);
- e) conduct that exposes the legal profession or the courts to obloquy, contempt, censure, or reproach, in violation of MCR 9.104(A)(2); and,
- f) conduct that is contrary to justice, ethics, honesty or good morals, in violation of MCR 9.104(A)(3).

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

Dated: 2/21/17



Alan M. Gershel (P29652)
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