

State of Michigan
Attorney Discipline Board

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

Petitioner,

Case No. 17-22-GA

v

Barbara E. Maurer, P41925,

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 1988 and who resides or has her place of business in the County of Midland.

Count One

(Factual Allegations)

5. On or about January 5, 2015, Kellene Gregor retained Respondent for representation regarding the preparation and filing of four Qualified Domestic Relations Orders (QDRO).
6. Ms. Gregor paid \$2,000 to Respondent for the representation.
7. On or about June 15, 2015, Respondent met with Ms. Gregor about the status of the matter.
8. Respondent never drafted or filed any QDROs on behalf of Ms. Gregor.
9. In or around January 2016, Ms. Gregor contacted Respondent's office and requested the return of her documents and a return of monies from the retainer.
10. On or about January 16, 2016, the documents were returned to Ms. Gregor.
11. On or about October 3, 2016, the \$2,000 was refunded to Ms. Gregor.

(Grounds for Discipline)

12. 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) neglected a legal matter entrusted to her, in violation of MRPC 1.1(c);
- b) failed to seek the lawful objectives of the client, 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; and,

- d) engaged in conduct that exposes the legal profession or the courts to obloquy, contempt, censure, or reproach, in violation of MCR 9.104(2).

Count Two

(Factual Allegations)

13. On or about August 5, 2016, Ms. Gregor filed a Request for Investigation at the Attorney Grievance Commission (AGC File No. 16-0923) against Respondent.

14. On or about December 6, 2016, Petitioner's counsel sent a demand letter to Respondent requesting that she provide a copy of any written retainer agreement entered into with Ms. Gregor and that she provide a copy of the representation file.

15. On or about January 3, 2017, Petitioner's counsel left a voice mail message for Respondent because there was no response to the above-referenced demand.

16. On or about January 13, 2017, Petitioner's counsel sent a second demand letter to Respondent requesting the same information as set forth in paragraph 14.

17. To date, Respondent has not responded to the demand letters or the telephone message.

(Grounds for Discipline)

18. 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) knowingly failed to respond to a lawful demand for information from a disciplinary authority, in violation of MRPC 8.1(a)(2); and,
- b) engaged in conduct prejudicial to the administration of justice, in violation of MRPC 8.4(c) and MCR 9.104(1).

Count Three

(Factual Allegations)

19. On or about January 15, 2016, the State Bar of Michigan sent by certified mail a pre-suspension notice to Respondent because of her failure to pay her annual bar dues for fiscal year 2015-2016.

20. On or about February 19, 2016, the State Bar of Michigan sent a Notice of Suspension from the State Bar of Michigan for Nonpayment of Dues to Respondent.

21. As a result of the Notice of Suspension sent to Respondent, she was suspended from the practice of law effective February 17, 2016.

22. Respondent did not provide to her clients, any tribunals, or any other parties written notice of her suspension, as required by MCR 9.119(A) and (B).

23. Respondent was reinstated to the practice of law on November 29, 2016.

24. At the time when Respondent was suspended for nonpayment of bar dues (February 17, 2016 through November 28, 2016), Respondent engaged in the practice of law by representing Jose Rodriguez in the Gratiot County Probate Court in *In the Matter of Rodriguez Minors*, Case No. 15-008037-NA.

(Grounds for Discipline)

25. 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) engaged in the practice of law in Michigan in violation of the regulation of the legal profession, being Rule 4(C) of the Rules Concerning the State Bar, in violation of MRPC 5.5(a);
- b) failed to comply with the notice requirements of her suspension to her clients and the courts, in violation of MCR 9.119(A) and (B); and,
- c) practiced law, had contact with clients, appeared as an attorney in court, and held herself out as an attorney while suspended, in violation of MCR 9.119(D).

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

Dated: March 15, 2017



Alan M. Gershel (P29652)
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