

**State of Michigan  
Attorney Discipline Board**

FILED  
ATTORNEY DISCIPLINE BOARD  
17 JAN 11 PM 3:46

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

Petitioner,

**Case No. 17-1-GA**

v

**Lawrence B. Shulman, P45075,**

Respondent.

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**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 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 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 1991 and who has his place of business in the County of Oakland.

## COUNT ONE

### Factual Allegations

5. Respondent represented Rajan Patel in a criminal trial in federal court in the Eastern District of Michigan.

6. After he was convicted of health care fraud and related charges in February 2015 and sentenced in July 2015, Mr. Patel retained Respondent to represent him in an appeal of the convictions.

7. In August 2015, Respondent and Mr. Patel agreed to a total flat fee of \$13,500 for representation during the appeal.

8. The \$13,500 fee included approximately \$3,500 for the filing fee and cost of the trial transcripts.

9. Mr. Patel or his wife, Sejal Bamrolia, paid Respondent \$12,500 toward the flat fee by way of two credit card payments on August 7, 2015.

10. On September 10, 2015, Mr. Patel or Ms. Bamrolia paid Respondent the remaining \$1,000 toward the flat fee by way of credit card payment.

11. On August 20, 2015, Respondent filed a notice of appeal on behalf of Mr. Patel with the Eastern District of Michigan.

12. The Court of Appeals issued a briefing schedule, setting October 28, 2015, as the deadline for filing appellant's brief.

13. On October 28, 2015, Respondent filed a motion for an extension of time to file appellant's brief.

14. The court granted the first motion, resetting the deadline to November 27, 2015.

15. On December 3, 2015, Respondent filed another motion for an extension, which the court granted as a “final” motion, resetting the deadline for the brief to December 28, 2015.

16. During this period, Ms. Bamrolia was in contact with Respondent by text message.

17. On December 14, and again on December 16, 2015, Ms. Bamrolia requested by text message that Respondent send a copy of the brief to her and Mr. Patel.

18. On December 16, 2015, Respondent responded by text message that he was still working on it and had requested a final extension that she had asked him to get.

19. Ms. Bamrolia asked whether Respondent had received the extension by text messages on December 24, 2015, and January 5, 2016.

20. Respondent responded on January 5, 2016, that “we should have it tomorrow. Court is working through holiday backload.”

21. Respondent filed another motion for an extension to file the appeal brief on January 6, 2016.

22. On January 12, 2016, the Court of Appeals granted the motion as a “final” motion, resetting the deadline for the brief to January 25, 2016.

23. After another request for a copy of the brief from Ms. Bamrolia, Respondent texted on January 10, 2016, that he would forward a copy that week.

24. Respondent did not forward a copy of the brief to Ms. Bamrolia or Mr. Patel.

25. Ms. Bamrolia sent text messages on January 15, and January 20, 2016, requesting a copy of the brief and the date of the new filing deadline.

26. On January 22, 2016, Respondent responded that the brief was due on January 28, 2016, but the deadline at that time was actually January 25, 2016, per the court's January 12, 2016 Order. Respondent also stated he would be requesting one more extension.

27. On January 29, 2016, Respondent filed another motion for an extension to file the appeal brief.

28. On February 3, 2016, the court granted the motion, allowing until February 4, 2016 to file the brief.

29. The court stated in its February 3, 2016 Order: "Failure to file the appellant brief by February 4, 2016 will result in the dismissal of the appeal for want of prosecution."

30. Respondent did not file an appeal brief on behalf of Mr. Patel.

31. On February 5, 2016, the Court of Appeals dismissed the appeal for failure to prosecute.

32. On February 8, 2016, Ms. Bamrolia sent a text message to Respondent, saying it "is extremely urgent" and requesting that Respondent answer his phone or call her.

33. Respondent answered the text on February 8, saying he was in court and telling her he would get back to her as soon as he could.

34. Ms. Bamrolia responded: "You missed the deadline for filing the brief!!!! The case has been dismissed?????" She again asked that he call her soon.

35. Respondent said he would call at 8:00 p.m. to discuss the appeal and assured Ms. Bamrolia: "Appeal will be reinstated."

36. Respondent did not call Ms. Bamrolia on February 8, and on February 9, 2016, he texted her, explaining that he had been with a client in jail the prior evening. He also assured her: "I'll be filing a motion later today in Rajan's case to reinstate matter, and will forward you the copy. The lapse was entirely my fault, not yours, and will be remedied."

37. Ms. Bamrolia sent several requests on February 9 and 10, 2016, for a copy of the motion to reinstate the appeal, and Respondent responded on February 10, 2016: "I will send you a copy this evening."

38. In fact, Respondent had not filed a motion to reinstate the appeal, and he did not send a copy of any such motion to Ms. Bamrolia or Mr. Patel.

39. Ms. Bamrolia requested a copy of the motion again on February 11, 2016, and asked whether the motion had been filed.

40. Respondent replied on February 11, 2016: "Yes it's filed. Sorry." He also promised to email a copy to Ms. Bamrolia in the morning.

41. Respondent had not filed any motion, and he did not send a copy by email.

42. Ms. Bamrolia requested a copy of the motion more than eight times by text between February 12 and February 22, 2016, with no response from Respondent.

43. On February 25, 2016, Respondent responded, saying he was sorry for the delay, and promising to forward the motion and information over the weekend.

44. Respondent had not filed any motion, and he did not send a copy.

45. Between March 1, 2016 and April 18, 2016, Ms. Bamrolia sent numerous text messages requesting an update or attempting to set up a meeting or phone conference.

46. Respondent replied on occasion, promising to provide an update or have a meeting, but he failed to act as promised.

47. Respondent did not file a motion to reinstate the appeal.

48. On April 20, 2016, Mr. Patel requested by letter that Respondent provide a refund of the fee he had paid and file a motion to withdraw as counsel of record in the appeal, so that Mr. Patel could proceed *pro se* in the appeal.

49. Respondent did not refund any portion of the fee Mr. Patel had paid, and he did not file a motion to withdraw as counsel of record in the appeal.

#### Grounds for Discipline

50. By reason of the conduct described above in Count One, Respondent has committed the following misconduct and is subject to discipline under MCR 9.104 as follows:

- a) neglected a legal matter, in violation of MRPC 1.1(c);
- b) failed to seek the lawful objectives of a client through reasonably available means, in violation of MRPC 1.2(a);
- c) failed to act with reasonable diligence and promptness, in violation of MPRC 1.3;
- d) failed to keep a 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) 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);

- f) upon termination of representation, failed to refund an unearned fee, in violation of MRPC 1.16(d);
- g) in the course of representing a client, knowingly made a false statement of material fact or law to a third person, in violation of MRPC 4.1;
- h) violated or attempted to violate the Rules of Professional Conduct, in violation of MRPC 8.4(a);
- i) engaged in conduct involving dishonesty, fraud, deceit, misrepresentation, or violation of the criminal law, where such conduct reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer, in violation of MRPC 8.4(b);
- j) engaged in conduct prejudicial to the administration of justice, in violation of MCR 9.104(1) and MRPC 8.4(c);
- k) 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,
- l) engaged in conduct contrary to justice, ethics, honesty, or good morals, in violation of MCR 9.104(3).

## COUNT TWO

### Factual Allegations

51. Petitioner incorporates paragraphs 1 through 50 as though fully restated here.

52. Respondent was served with the request for investigation filed by Mr. Patel on or about May 18, 2016.

53. On June 7, 2016, Respondent requested an extension to answer the request for investigation, and he was given until June 15, 2016, to answer.

54. On June 16, 2016, Respondent requested another extension to answer the request for investigation, and he was given until June 27, 2016, to answer.

55. Respondent did not answer the request for investigation within the extended period granted, and on or about July 21, 2016, a final notice enclosing a second copy of the Grievance Administrator's Request for Investigation was served on Respondent.

56. The final notice allowed Respondent an additional ten days to answer the Grievance Administrator's Request for Investigation.

57. Petitioner received a certified mail receipt, confirming that the final notice was accepted at Respondent's address of record with an unidentified signature.

58. To date, Respondent has failed to answer the request for investigation.

### Grounds for Discipline

59. By reason of the conduct described above in Count Two, Respondent has committed the following misconduct and is subject to discipline under MCR 9.104 as follows:

- a) failed to answer a request for investigation in conformity with MCR 9.113, in violation of MCR 9.104(7);
- b) knowingly failed to respond to a lawful demand for information, in violation of MRPC 8.1(a)(2);
- c) violated or attempted to violate the Rules of Professional Conduct, in violation of MRPC 8.4(a);
- d) engaged in conduct prejudicial to the administration of justice, in violation of MCR 9.104(1) and MRPC 8.4(c);
- e) 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,
- f) engaged in conduct contrary to justice, ethics, honesty, or good morals, in violation of MCR 9.104(3).

Wherefore, Respondent should be subjected to such discipline as may be warranted by the facts and circumstances of such misconduct, including payment of restitution.

Dated: January 11, 2017

  
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**Alan M. Gershel (P29652)**  
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