

State of Michigan Attorney Grievance Commission

Annual
January 1,
December



Report
2022, to
31, 2022

Attorney Grievance Commission Staff

Staff as of September 2023

Grievance Administrator:
Michael V. Goetz

Deputy Administrator:
Kimberly L. Uhuru

Assistant Deputy Administrator:
Cynthia C. Bullington

Office Manager:
Gina M. Jaafar

General Counsel:
Sarah C. Lindsey

Senior Associate Counsel:
Emily A. Downey
John K. Burgess
Kenneth E. Frazee
Pamela I. Linville
Cora L. Morgan
Robert W. Novy

Associate Counsel:
Michael M. Mazur
Graham Leach
Mary A. Bowen
Austin D. Blessing - Nelson

Investigators:
Jason Miciuda
Brent M. Jex
Diane M. Salter

Investigative Specialist:
Yulanda Burgess

Paralegals:
Kimberly Billings
NaTasha Sands

Charlene Varacalli
Rosa Garza
Sheri Galofaro-Mendez
Louise Arzooyan
Cathy Miller

Litigation Assistants:

Intake Assistants:
Monica Garza
Jane Brown

Receptionist:
Jeanette Cook

Administrative Assistant:
Yulette Barnes

Mail Clerk:
Heidi K. Cole



State of Michigan Attorney Grievance Commission Annual Report

January 1, 2022 – December 31, 2022

Overview

The Attorney Grievance Commission was established by the Michigan Supreme Court on October 1, 1978, succeeding the former State Bar Grievance Board. The Commission acts as the investigative and prosecutorial arm of the Supreme Court for the discharge of its constitutional responsibility to supervise and discipline Michigan attorneys. The Commission exercises state-wide jurisdiction and is located in the city of Troy, Michigan.

Commission Composition

The Commission consists of nine members, who serve without compensation. The six lawyers and three non-lawyers are each appointed by the Michigan Supreme Court for a term of three years. A member may not serve more than two terms.

The Commission's Chairperson and Vice-Chairperson are appointed to one-year terms by the Michigan Supreme Court. The Commission's Secretary is elected by its members.

Thomas G. Kienbaum, Chairperson



Mr. Kienbaum has represented employers nationally in significant labor and employment disputes for over 50 years. He served as President of the State Bar of Michigan, the Metropolitan Detroit Bar Association, and the Barrister's Association. Mr. Kienbaum was appointed by the Supreme Court to the Attorney Discipline Board in 2007, where he served for six years, including as Chair. In 2017 the Supreme Court appointed him, for a three-year term, to the Attorney Grievance Commission, and a second three-year term in 2020 where he currently serves as Chair. Mr. Kienbaum graduated magna cum laude from Wayne State University Law School in 1968, having served on its Law Review, and was awarded the "Order of the Coif." He graduated from the University of Michigan in 1965. Mr. Kienbaum was born in Berlin, Germany, and immigrated to the United States in 1957. He maintains fluency in German.

J. Paul Janes, Vice - Chairperson

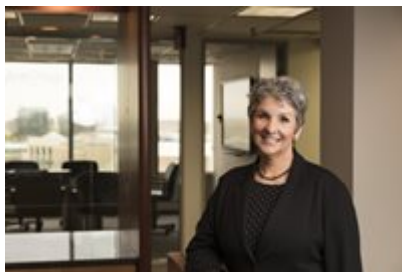


J. Paul Janes focuses his practice in the areas of commercial litigation, personal injury litigation, automobile no-fault law, and construction/workplace injury claims. Education: Michigan State University (B.A. 1987); University of Detroit Law School (J.D. 1990; Senior Staff Member of the Law Review. Professional Affiliations: • Grand Rapids Bar Association • Fellow, Justice Foundation of West Michigan • Grand Rapids Federal Bar Association • Michigan State Bar of Foundation • American Board of Trial Advocates • Attorney Grievance Commission, Board Member • Former State Bar of Michigan Lawyer and Judges Assistance Committee (Member) • The American Association for Justice • Michigan Association for Justice (Former Board Member) Community Involvement: • Active in a variety of nonprofit, community, and political organizations.

Latoya M. Willis, Secretary

Mrs. Willis is the Lead Attorney of the Wayne County Prosecutor's Mortgage and Deed Fraud Unit where she specializes in the prosecution of criminal activity involving fraudulent real property transactions. She graduated from Western Michigan University in 1997 and earned her law degree from the University of Detroit-Mercy Law in 2002. She has worked with the Wayne County Prosecutor's Office since 2000, where she began as an intern in the Forfeiture Unit. Since that time, she has practiced throughout the office including within the Felony Exam Unit, Felony Trial Unit, and Special Victims Unit where she prosecuted crimes committed against elder and vulnerable adults. She was appointed to the Attorney Grievance Commission in January of 2017.

Cheryl A. Bush, Attorney member



Cheryl A. Bush, majority-owner and founding member of Bush Seyferth PLLC (BSP), handles high-stakes cases across the country. Cheryl is a Fellow of the American College of Trial Lawyers and the International Society of Barristers. She is a Senior Life Fellow of the American Board of Trial Advocates. She is actively involved in the Product Liability Advisory Council and the National Association of Minority &

Women Owned Law Firms. In addition, Cheryl is proud to represent her home state by serving as the only Michigan counsel on the Network of Trial Law Firms' Board of Directors. Cheryl earned her Juris Doctor, cum laude, from the University of Michigan Law. She earned her Bachelor of Arts in English, magna cum laude, from Wayne State University.

James Webb, Lay Person

Mr. Webb retired from the insurance business in July 2017 after a 46-year career. He was a Property Underwriter for USF&G, and a Risk Manager at Masco, the Budd Company, and Republic Steel Corporation. During the last 36 years, he was an Insurance Agent with Aon Risk Solutions where he concluded his career as Chairman of the Michigan Corporation. Mr. Webb holds an AA Degree in Business Administration from the College of the Sequoias, BBA and MBA Degrees from Eastern Michigan University. He is Chairman of the Board of Trustees at Eastern Michigan University. He also is a board member of the Michigan Property and Casualty Guaranty Association. Mr. Webb also sits on the board of F.D.I. Insurance Company in Dublin, Ireland.

Jeffrey J. Sakwa, Lay Person

Mr. Sakwa is the President of Noble Realty, Inc. He is also the President and founder of Defeat the Label, an advocacy organization dedicated to raising awareness of bullying and people with autism. Jeff serves as a Board Member on the Oakland Schools Education Foundation, is former Co-Chair of the Michigan Republican Party, and current Deputy Chair. He is a past board member of the Anti-Defamation League, Temple Shir Shalom, and the West Bloomfield Education Foundation. Mr. Sakwa is the current Commissioner of the Michigan Civil Rights Commission. He received a Bachelor of Arts Degree in Accounting from Michigan State University.

Mary Chartier, Attorney Member



Mary Chartier is a partner and criminal defense litigator at Chartier & Nyamfukudza, P.L.C., with offices in Okemos and Grand Rapids. Mary litigates criminal defense cases in courts throughout the state, including practicing extensively in federal court. A “pitbull in high heels” and “Mike Tyson in the courtroom” are just a few of the names that clients have given Mary over the years. Mary's advocacy skills are

the result of years of experience litigating serious and complex criminal defense cases. Mary has successfully defended clients in numerous federal and state trials, including winning a full acquittal in a federal drug dealing and money laundering case where every other co-defendant entered a guilty plea and dozens of witnesses testified against the client. Mary has also achieved “not guilty” verdicts in other recent cases, including an attempted murder case in which no offer was made because the government believed its case was so strong and the exoneration of a man who had been wrongfully imprisoned for rape for nine years. During the retrial, the jury was out for just 19 minutes before returning not guilty verdicts. Mary’s criminal defense experience is extensive. She has served as lead counsel in numerous cases. She has represented clients accused of white-collar crimes, such as health care fraud, mortgage fraud, and money laundering, as well as clients accused of drug dealing, terrorism, human rights violations, crimes against the United States, bank robbery, criminal sexual conduct, and homicide. Mary is a member of the Criminal Defense Attorneys of Michigan and National Association of Criminal Defense Lawyers, and she is also Chairperson of the Ingham County Bar Association's Criminal Defense Section. She has presented at numerous nationwide

and state conferences on topics related to criminal defense, including presenting at conferences organized by the Criminal Defense Attorneys of Michigan, Michigan Judges Association, Michigan District Judges Association, National College for DUI Defense, and the Institute for Continuing Legal Education. Mary has argued and won numerous cases at the Michigan Supreme Court, including *People v. Koon*, which related to impairment and medical marijuana use. Mary has received numerous recognitions for her criminal defense work, including the State Bar of Michigan's 2019 Michael Franck Award, the Davis-Dunnings Bar Association's Distinguished Barrister's Award, and being named a Leading Lawyer and one of the Top Women Attorneys in Michigan by Michigan Lawyers Weekly.

Kathleen Hickey, Attorney Member

Ms. Hickey represents lenders in loan originations. Her practice encompasses secured transactions, loan workouts, and counseling lenders on lender liability and loan structure issues. Ms. Hickey's practice also includes middle market lending, asset based loans, healthcare lending, educational institution and religious organization financing, international lending, captive insurance financing, private lending, real estate financing, multi-rate, multi-currency loans and facilities, agented and syndicated loan facilities, and letters of credit, direct bond purchases, and other liquidity facilities supporting tax exempt and industrial development bonds. Ms. Hickey has been selected by Michigan Lawyers Weekly as a member of the 2017 class of Women in the Law. She is listed in *The Best Lawyers in America* 2022 under Banking and Finance Law, in *Chambers USA* 2021 under Banking & Finance, in *IFLR1000* 2020 under Banking and Finance, in *Michigan Super Lawyers* 2021 under The Top 50 Women attorneys in Michigan, and in *Michigan Super Lawyers* 2007-2021 under Banking. She is listed as a 2021 "Top Lawyer" for Banking & Financial Services by *DBusiness* magazine. She is AV Preeminent® Peer Rated by Martindale-Hubbell. Ms. Hickey is a member of Bodman's Executive Committee, which manages the Firm's Day to day business affairs, and is co-chair of the firm's Diversity, Equity and Inclusion Committee. She serves on the board of directors of the Michigan Roundtable for Diversity and Inclusion and is a board member for VIP Mentoring and the Walsh College Foundation. She is a member of the State Bar of Michigan, the Detroit and American Bar Associations, and the Association for Corporate Growth. She is admitted to practice before the United States Court of Appeals for the Sixth Circuit. Ms. Hickey began her legal career as a clerk for the Honorable Richard M. Maher of the Michigan Court of Appeals. She has lectured for the Michigan Institute of Continuing Legal Education on commercial loan documentation matters.

Wallace E. Smith, Lay Person

Mr. Smith is President and Owner of E & E Manufacturing Company, Incorporated located in Plymouth, Michigan. E & E, founded in 1962, is an internationally certified leading-edge supplier of innovative metal-based solutions for the automotive, commercial, military, and green industries.

Dr. Samy Wassef, Lay Person



Samy Wassef, MD is currently the Chair of the Department of Psychiatry and Medical Director of the Substance Abuse Programs at Henry Ford Health-Jackson. He previously served on the hospital's Ethics Committee, Pain Committee and Graduate Medical Education. Dr. Wassef is board-certified by the American Board of Psychiatry and Neurology. He is also a provider for the Health Professionals Recovery Program, Lawyers & Judges Assistance Program and Federal Aviation Administration. Dr. Wassef grew up and currently resides in the Metro Detroit area. He graduated from Cairo University Faculty of Medicine and completed his residency in psychiatry at Henry Ford Hospital, Detroit Michigan

Kendrah Robinson, Attorney Member

Kendrah Robinson has been a proud resident of Muskegon for over 13 years. She is a mother of three and married to a Proud Muskegon Big Red. She graduated from Western Michigan University with a degree in Political Science and Criminal Justice and earned her law degree from Thomas M. Cooley Law. Kendrah has taught Criminal Justice and Political Science classes at Grand Rapids Community College, and now serves the community of Muskegon County as a Senior Assistant Public Defender at the Muskegon Public Defenders Office. She fights daily in the 14th Circuit Court to protect the rights of Muskegon's most at risk children and criminal defendants. She is active in numerous community and non-profit organizations including the Mediation and Restorative Services, Fruitport Public Schools, Child Abuse Council of Muskegon, The Women's Division of Chamber of Commerce, the Black Women's Lawyers of Michigan, her church where she's the Youth Ministry leader and staff to the Criminal Defense Attorneys of Michigan. Kendrah also mentors high school ladies in a group called "Aspiring Ladies of Law" throughout Muskegon County who are interested in going into the career of law. In her spare time Kendrah enjoys running and traveling.

The Grievance Administrator's Staff

The Grievance Administrator and Deputy Administrator are appointed by the Supreme Court pursuant to MCR 9.109. The Grievance Administrator is empowered under MCR 9.111 to hire legal and support staff, with the approval of the Commission. During the year 2022, the Grievance Administrator supervised a staff of thirteen attorneys, three investigators, and eighteen administrative and clerical staff. Additionally, the Commission accepts law students for a legal intern program in connection with their respective law schools.

Michael V. Goetz, Grievance Administrator



The Michigan Supreme Court has appointed Michael V. Goetz to the position of Grievance Administrator for the Michigan Attorney Grievance Commission (AGC). Goetz will oversee the prosecutorial and educational functions of the AGC. The appointment is effective September 23, 2019. “Mr. Goetz has both the management skills and professional experience to make sure the AGC continues to protect the public and hold the legal profession accountable,” said Chief Justice Bridget M. McCormack. “Just as important, Mr. Goetz has a deep commitment to public service and great ideas on how to engage the public and the bar in the Commission’s critical mission, and to manage and inspire AGC staff.” Goetz received a bachelor’s degree from Michigan State University in 1983 and a juris doctorate from Detroit College of Law in 1988. He most recently worked in the Michigan Office of the Attorney General, serving as Senior Assistant Attorney General in the Criminal Division’s Drug Interdiction Unit for six years. In addition to more than 30 years of experience in prosecution at the state and county levels, Goetz also currently serves his community as an emergency medical technician-firefighter for the Orion Township Fire Department. The Attorney Grievance Commission is the investigative and prosecutorial arm of the Michigan Supreme Court for allegations of attorney misconduct. The AGC has jurisdiction over all attorneys licensed to practice law by the State Bar of Michigan and attorneys otherwise permitted to practice law in the State of Michigan. The AGC strives to

maintain and promote the integrity of the Bar and to protect the public, the courts, and the legal profession.

Kimberly L. Uhuru, Deputy Administrator

Kimberly L. Uhuru graduated magna cum laude from Michigan State University with a bachelor's degree in Political Theory and Constitutional Democracy and received a J.D. from DePaul University. Ms. Uhuru's work for the Commission has included several prosecutions of complex and high-profile attorney misconduct cases. She is licensed to practice in Michigan and the United States District Court for the Eastern District of Michigan. She has served on the State Bar of Michigan's Character and Fitness District H Panel, including, including a term as Chairperson of District H. Ms. Uhuru is a frequent presenter on ethics panels across the state.

Cynthia C. Bullington, Assistant Deputy Administrator

Cynthia C. Bullington is a Michigan State graduate and received her J.D. from George Washington University. She is admitted in Michigan and in the federal courts. Ms. Bullington is the Assistant Deputy Administrator for the Michigan Attorney Grievance Commission. She also is an adjunct professor at the MSU College of Law and teaches Professional Responsibility. Currently, she serves as a regular member of the State Bar of Michigan's Standing Committee on Character and Fitness. She has authored proposed court rules, and articles for the Michigan Bar Journal. Ms. Bullington has also been an ICLE presenter.

Sarah C. Lindsey, General Counsel

Sarah C. Lindsey earned a B.A. from Michigan State University and obtained a J.D. from Washington College of Law at American University. Ms. Lindsey was in private practice for more than 15 years at law firms in Washington, D.C. and Michigan, where her practice focused on commercial and environmental litigation and appeals. Ms. Lindsey joined the Attorney Grievance Commission as an Associate Counsel in 2015.

Emily A. Downey, Senior Associate Counsel

Emily A. Downey has a bachelor's degree in History and Psychology from the University of Michigan in Ann Arbor and a law degree from Washington University in St. Louis. She is licensed to practice law in Michigan and in the U.S. District Court for the Eastern District of Michigan. Ms. Downey's work for the AGC includes investigating and prosecuting attorney misconduct. She served a term on a State Bar of Michigan's Character and Fitness Panel. Ms. Downey is a reporter for the Judicial Qualifications Committee. While at Washington University, Ms. Downey

was a law review associate editor of the Journal of Urban and Contemporary Law. Following law school, Ms. Downey was a Legal Research Fellow at the Center for Hospital Finance & Management and the Bioethics Institute at Johns Hopkins University.

John K. Burgess, Senior Associate Counsel

John K. Burgess earned a BA in Organizational Communication in 2001 and a J.D. from the Law School at Wayne State University. Mr. Burgess became licensed to practice in 2005. He was a Solo practitioner in Genesee and Oakland County from 2005-2008. Mr. Burgess has been with the Grievance Commission since October 2008. He is licensed to practice in State and Federal Courts. He is also a Character and Fitness Panelist.

Charise L. Anderson, Associate Counsel

Charise L. Anderson received a Bachelor of Arts degree in English from Wayne State University and a J.D. from Thomas M. Cooley Law School with a concentration in litigation. She is a former Assistant Prosecuting Attorney serving in various units.

Michael K. Mazur, Associate Counsel

Michael K. Mazur earned his B.A. from Michigan State University and his J.D. from Michigan State University College of Law. Mr. Mazur was a student intern at the Attorney Grievance Commission in 2012 and returned as staff counsel in 2017.

Kenneth E. Frazee III, Senior Associate Counsel

Kenneth Frazee received a B.A. from Michigan State University and earned a J.D. from Detroit College of Law. Mr. Frazee was an Assistant Prosecuting Attorney for over 27 years where he specialized in litigating major crimes. He concluded his prosecution career as Chief of the Circuit Court Division. Prior to this he began his public service as a circuit court clerk for four years. He is licensed to practice law in Michigan and the United States District Court for the Eastern District of Michigan.

Pamela I. Linville, Senior Associate Counsel

Pamela I. Linville received her bachelor's degree from the University of Michigan and received her juris doctorate from the University of Detroit Mercy-School of Law. She worked as an Assistant Prosecuting Attorney at the Oakland County Prosecutor's Office until 2007. She then opened her own criminal defense law firm, specializing in major crimes. She was a CJA Panel Member for the U.S. District Court- Eastern District of Michigan from 2014-2021. She was also a faculty member

of CDAM (Criminal Defense Attorney's Association of Michigan), where she taught Evidence to other attorneys. She joined the Attorney Grievance Commission in 2022. She is licensed to practice law in Michigan and the U.S. District Court for the Eastern District of Michigan.

Cora Morgan, Senior Associate Counsel

Cora L. Morgan earned her B.A. from Michigan State University and her J.D. from Wayne State University School of Law. Ms. Morgan joined the Attorney Grievance Commission as Senior Associate Counsel in 2022. Prior to joining the Commission, Ms. Morgan was in private practice for more than 20 years, during which time she focused her practice primarily on commercial litigation, criminal law, and juvenile law. While in law school, Ms. Morgan worked as a law clerk in the Michigan Department of Attorney General Collections and Tax Enforcement Division. Ms. Morgan also clerked for Judge John B. Bruff of the Macomb County Circuit Court during law school. She is licensed to practice in Michigan and in the U.S. District Court for the Eastern District of Michigan.

Robert W. Novy, Senior Associate Counsel

Robert W. Novy received a Bachelor of Business Administration from Adrian College and a J.D. from Wayne State University Law School. Mr. Novy was an Oakland County Assistant Prosecuting Attorney for over 27 years. Mr. Novy was a Major Crimes Prosecutor for twenty years and specialized in homicide and fraud cases. Prior to joining the Oakland County Prosecutor's Office, Mr. Novy was a tax consultant for a certified public accounting firm.

Graham G. Leach, Associate Counsel

Graham Leach earned his B.S. from Michigan State University and his J.D. from Thomas M. Cooley Law School. Mr. Leach is a career long prosecutor with over 20 years' experience as an Assistant Prosecutor and Chief Assistant Prosecutor in Shiawassee County Michigan, the Tribal Prosecutor for both the Saginaw Chippewa Indian Tribe in Mt. Pleasant, Michigan and the Mescalero Apache Tribe in New Mexico. Mr. Leach also served as the Senior Criminal Attorney General for the Republic of Palau.

Mary Bowen, Associate Counsel

Mary A. Bowen received her Bachelor of Arts in Political Science from the University of Michigan-Flint and her Juris Doctor from Michigan State University College of Law. She is licensed to practice law in Michigan, in the United States District Court for the Eastern District of Michigan and the United States District Court for the Western District of Michigan. Ms. Bowen previously worked for a general practice firm in downtown Lansing and was a solo practitioner in Ingham County. Her practice areas included criminal law and civil mediation. Prior to joining the Attorney Grievance Commission, Ms. Bowen was an Assistant City

Attorney for the City of Lansing for over 3.5 years. She previously served on the Character and Fitness District E Committee and currently serves on the Character and Fitness District I Committee.

Austin Blessing-Nelson, Associate Counsel

Austin D. Blessing-Nelson earned his BAA from Central Michigan University with majors in entrepreneurship and political science and his Juris Doctor from Michigan State University. He was a member of the Michigan State University College of Law International Law Review. He is licensed to practice law in Michigan and the United States District Court for the Eastern District of Michigan. Before coming to work at the Michigan Attorney Grievance Commission in 2023, he worked as an insurance defense attorney. He is also a member of the Michigan Bar Journal Committee and has been published in the Michigan Bar Journal and The Litigation Journal (a publication of the Litigation Section of the State Bar of Michigan).

Commission Procedures

The grievance and discipline process are governed by Subchapter 9.100 of the Michigan Court Rules. The disciplinary process is normally initiated when a Request for Investigation is filed with the Attorney Grievance Commission against an attorney, or when the Grievance Administrator commences an investigation in his/her own name.

Upon the filing of a Request for Investigation, the Grievance Administrator determines whether there exists a *prima facie* allegation of professional misconduct. The Request for Investigation may be rejected by the Grievance Administrator after preliminary investigation and/or analysis by the Intake Unit, or it may be assigned to a staff counsel for a full investigation. Common investigative procedures include legal research and analysis, witness interviews, and/or the procurement of court records or banking records. When such an investigation is concluded, the Grievance Administrator must submit the investigative file to the Commission for its review and disposition.

In each investigative file referred to the Commission, the Grievance Administrator may recommend to the Commission that: (1) the matter be closed as there is insufficient evidence of professional misconduct; (2) the Respondent attorney be placed on contractual probation, a diversion program where minor misconduct is significantly related to alcohol or other substance abuse, or other impairment, pursuant to MCR 9.114(C);(3) the Respondent attorney be admonished under MCR 9.114(B), a confidential disposition requiring the attorney's consent or;(4) authority be granted to file a formal complaint against the Respondent attorney for allegations of professional misconduct pursuant to MCR 9.114(A)(2). The Grievance

Administrator must inform the Complainant and the Respondent of the final disposition of every Request for Investigation MCR 9.114(F).

Investigations

During 2022, the Commission processed **1756** Requests for Investigation [grievances]. This number includes **116** Requests for Investigation generated under the Trust Account Overdraft Notification (TAON) rule, which requires notification to the Grievance Administrator by a financial institution when an attorney has overdrawn his or her client trust account. The Commission received nearly **25,000** phone calls in the year 2022. Appendix A (page 18 of this report) includes a 10-year comparison of the Requests for Investigation filed since 2013.

Table 1 compares the final disposition of the grievances resolved by the Grievance Administrator or the Commission in 2022 compared to 2021. In 2022, the Commission received **1756** grievances. The **1756** dispositions in 2022 included **1214** grievances dismissed by the Grievance Administrator pursuant to MCR 9.112(C)(1) (a) and MCR 9.114(A)(1); **348** grievances closed by the Commission; **67** admonitions issued by the Commission; **8** contractual probations approved by the Commission; **104** individual grievances approved by the Commission for the filing of a formal complaint; and **9** judgments of conviction authorized for formal action.

Table 1 – Disposition of Grievances, 2022 and 2021.

	2022	2021
Total Grievances Received	1756	1698
Rejected by the GA or Closed in Intake	1214	1354
Closed by the Commission	348	254
Admonishments	67	121
Contractual Probation	8	11
Approved for Formal Complaints	104	91
Approved for Judgment of Conviction	9	25

The dispositions of grievances for a particular year are not necessarily dispositions of all grievances filed for that year. The dispositions for 2022 included grievances filed before January 1, 2022, and some of the grievances filed during the year were pending on January 1, 2023.

Prosecutions and Other Litigation

A. Proceedings before Hearing Panels of the Attorney Discipline Board.

When the Commission authorizes that a prosecution be commenced, a formal complaint is filed with the Attorney Discipline Board (ADB) setting forth the alleged misconduct, pursuant to MCR 9.115. The matter is scheduled before a hearing panel of three volunteer lawyers appointed by the ADB. Upon the conclusion of the hearing, the panel must issue an order dismissing the complaint or impose public discipline, which may include probation, reprimand, license suspension or disbarment. The Grievance Administrator filed **48** formal complaints in 2022, compared to **52** filed in 2021. Appendix B (page 18 includes a 10-year comparison of the formal complaints filed with the Attorney Discipline Board.

The Grievance Administrator is also empowered by MCR 9.120 to initiate Judgment of Conviction (JOC) proceedings against attorneys who are convicted of a crime. These proceedings are show cause proceedings in which the level of discipline is the principal issue. Attorneys who are convicted of a felony are automatically suspended from the practice of law until a hearing panel of the ADB has issued a final order of discipline. Attorneys who are convicted of misdemeanors are not automatically suspended. The Grievance Administrator will regularly file a JOC proceeding for a felony conviction, while exercising discretion to initiate a JOC proceeding for a misdemeanor conviction. The Administrator filed **22** new matters in 2022 based on an attorney's criminal convictions, compared to **19** convictions filed in 2021.

Attorneys who are disciplined in other jurisdictions (state or federal) will be subject to a reciprocal discipline proceeding initiated by the Grievance Administrator pursuant to MCR 9.120(C). These proceedings, like JOC proceedings, resemble a show cause proceeding in which the principal issues are whether the attorney received due process in the underlying litigation and whether comparable discipline should be imposed. Reciprocal proceedings were instituted in **4** cases in 2022, compared to **7** in 2021.

The Grievance Administrator is also a participant in ADB reinstatement proceedings initiated by attorneys who have been suspended for 180 days or more or were disbarred, in accordance with MCR 9.124(C). The burden of proof is on the attorney to establish his or her fitness by clear and convincing evidence. In those

cases, the Grievance Administrator must conduct an investigation and file a written report with the hearing panel. The Grievance Administrator may contest the petitioner's eligibility for reinstatement. Eight **(8)** state reinstatement petitions were filed in 2022, compared to five **(4)** in 2021.

The Grievance Administrator may seek an order from the ADB declaring that an attorney is incapacitated to continue the practice of law because of mental or physical infirmity or disability, or because of addiction to drugs or intoxicants, either by filing proof that the attorney has been judicially declared incompetent or by alleging incapacity in a complaint to be adjudicated by a hearing panel. The Grievance Administrator instituted **1** such proceedings in 2022, compared to **0** in 2021. In addition, there were **2** miscellaneous filings with the ADB, which include Motion for Order to Show Cause why Discipline should not be imposed, and a Motion for Order to Show Cause why Discipline should not be increased.

B. Appeals and Other Proceedings.

Review by the Attorney Discipline Board:

The Grievance Administrator, as well as the Respondent attorney and the Complainant, may file a petition with the Attorney Discipline Board seeking review of the hearing panel's decision. During the year 2022, **6** petitions for review were filed. The Grievance Administrator, the Respondent, and the Complainant may appeal a decision by the Attorney Discipline Board to the Supreme Court which may, in its discretion grant leave to appeal.

Appeals to the Supreme Court:

The Grievance Administrator is a party in complaints for superintending control filed with the Michigan Supreme Court by Complainants who disagree with the decisions of the Grievance Administrator or the Commission to reject or close an investigative file. The Grievance Administrator filed an appearance in **9** matters filed with the Supreme Court in 2022. In addition to the complaints for superintending control filed, there were **4** applications for leave to appeal with the Supreme Court.

Reconsideration:

Apart from the formal review or appeal processes, the Grievance Administrator has a long-standing policy of accepting requests for reconsideration of files dismissed through the Intake Unit. This process acts as a quality control measure while

providing further accountability to Complainants. Upon the receipt of a request for reconsideration, the Deputy Grievance Administrator will review the file and determine whether an issue or a relevant fact was overlooked by the Intake Unit, or whether new information has been provided that could change the analysis or outcome of the matter. If such information is provided, the file may be reopened for further investigation.

Receiverships:

Under MCR 9.119(G), if an attorney leaves the practice of law (whether or not for disciplinary reasons), disappears, or dies and there is no person capable of conducting the attorney's affairs, the Grievance Administrator may file a petition for receivership with the circuit court in the county where the attorney maintained his or her office. In those cases, the Grievance Administrator acts as receiver or co-receiver with the assistance of a local attorney and must undertake a work-intensive process that includes cataloging and prioritizing the abandoned files, contacting clients, courts and opposing parties if there is a pending matter, and taking other action to protect the interests of clients. The Grievance Administrator opened **3** new receivership files in 2022, compared to **8** new receivership files in 2021.

Federal Court Proceedings:

The Grievance Administrator may be requested to participate in discipline or reinstatement proceedings in a federal district court. For example, the District Court of the Eastern District of Michigan regularly appoints the Grievance Administrator as an interested party in reinstatement proceedings involving lawyers who have been suspended from practice under the local rules of that court. In 2022, the Administrator appeared in 11 discipline or reinstatement proceeding conducted in the U.S. District Court for the Eastern District.

Funding

The Attorney Grievance Commission receives no public funds. The Commission and the Attorney Discipline Board are funded primarily from the discipline portion of the mandatory dues paid by all active members of the State Bar of Michigan. In 2022, annual dues for active members were **\$415**, of which **\$140** was specifically allocated to the two discipline agencies. For the fiscal year, which ended September 30, 2022, the combined approved operating expenses of the Attorney Grievance Commission and the Attorney Discipline Board were **\$5,815,572** The Attorney Grievance Commission's approved operating expenses for the fiscal year 2022 were **\$4,542,328**.

Contact Information

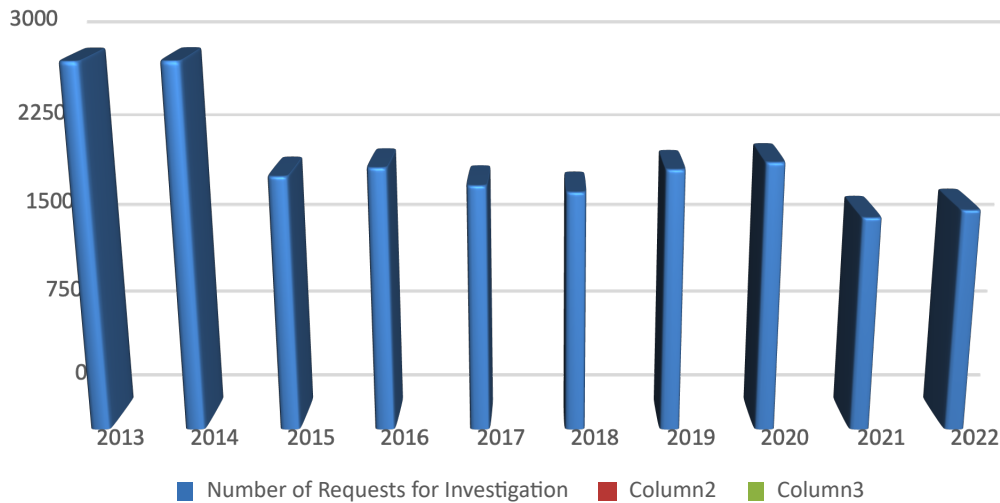
For further information regarding the Attorney Grievance Commission, please contact:

Attorney Grievance Commission
755 W. Big Beaver Rd. Suite 2100
Troy, MI
www.agcmi.org

Michael V. Goetz
Grievance Administrator

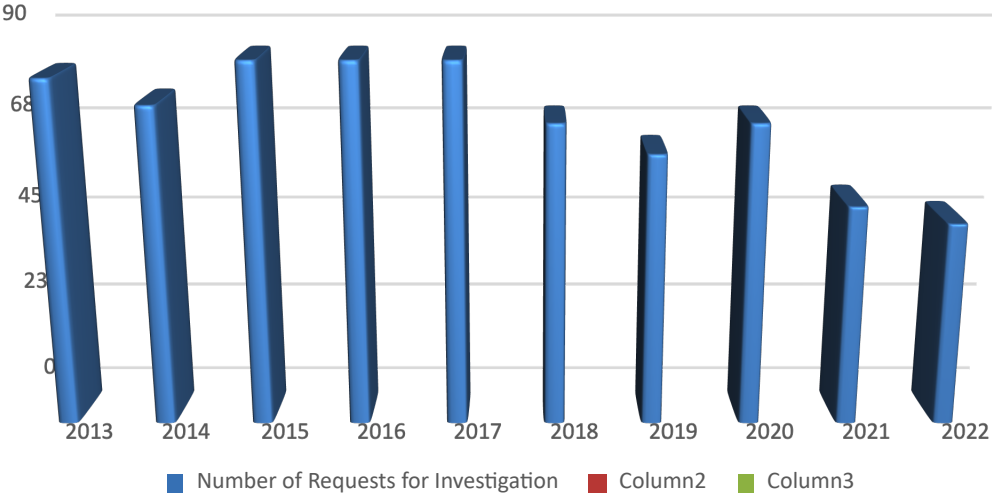
Thomas G. Kienbaum
Chairperson, AGC

2012-2022 AGC 10-Year Comparison Chart Requests for Investigation



Appendix A

2013-2022 AGC 10-Year Comparison Chart Formal Complaints



Appendix B