

State of Michigan Attorney Grievance Commission



Annual Report
January 1, 2019 to December 31, 2019

Attorney Grievance Commission Staff

Grievance Administrator:

Michael V. Goetz

Deputy Administrator:

Robert E. Edick

Assistant Deputy Administrator:

Cynthia C. Bullington

Office Manager:

Gina M. Jaafar

Associate Counsel:

Rhonda S. Pozehl
Emily A. Downey
Kimberly L. Uhuru
Dina P. Dajani
John K. Burgess

Sarah C. Lindsey
Craig O. Pavlock
Charise. L. Anderson
Jordan P. Pattera
Nathan P. Pitluk
Michael M. Mazur

Investigators:

Jason Miciuda
Rhonda Warner
Natasha Kakish

Investigative Specialist:

Yulanda Burgess

Paralegals:

Erin Bednarski
Kimberly Billings
NaTasha Sands

Litigation Assistants:

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Rosa Garza
Sheri Galofaro-Mendez
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Intake Assistants:

Monica Garza
Jane Brown

Receptionist:

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Administrative Assistant:

Yulette Barnes

Mail Clerk:

Consuelo Gonzalez

Receivership Clerk:

Joe'l Williams

State of Michigan Attorney Grievance Commission Annual Report

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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 Detroit.

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.

Victor A. Fitz, III, Chairperson - term completed 10/1/19

Mr. Fitz has been the elected Cass County Prosecutor since 2004. He operated as a Senior Assistant in Muskegon from 1988-2003, concentrating on homicide and narcotics prosecutions. He also served in Tuscola County as the Chief Assistant Prosecutor. He also Chairs Michigan's Crime Victims Services Commission, is an appointee to the Governor's Council on Law Enforcement & Reinvention (CLEAR) and is past President of the Prosecuting Attorneys Association of Michigan (PAAM). He is the current President of St. Paul Lutheran Church, Cassopolis, has served as an athletics coach and is active in numerous local/state organizations.

Valerie R. White, Vice-chairperson (until 10/19), Chairperson (commencing 10/19)

Ms. White is the Chief Assistant Prosecutor for Branch County, after having served as Chief Assistant /Assistant Prosecutor in Hillsdale County for nearly 17 years. She is a 1987 graduate of Michigan State University and a 1993 graduate of Cooley Law School. She has been married to John for 28 years and they have two daughters. In her spare time, she is active in the Kiwanis Club of Hillsdale, the First United Methodist Church, and as a 4-H Leader. She is currently on the Board of Education for the Hillsdale County Intermediate School District and the Board of Directors for Reading Emergency ambulance service.

Thomas G. Kienbaum, Vice-chairperson (term as Vice-chairperson commencing 10/19)



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, where he currently serves as Vice 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.

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.

Cathy Joan Pietrofesa, PHD, Member



Dr. Cathy Pietrofesa is a licensed psychologist and a licensed professional counselor. She is a past member of the executive board of the Michigan Counseling Association, the Michigan Association of Measurement and Evaluation in Guidance, and the Oakland Counseling Association and is past recipient of "Counselor of the Year for Oakland County." Dr. Pietrofesa received her doctorate from the University of Michigan; she worked as a high school counselor for 29 years and has been in clinical practice for over 30 years. She has also been an Adjunct Professor at Wayne State University. She has previously worked for the National Football League as part of their Player Assistance Program and in that capacity worked with the Detroit Lions for over ten years. She currently has been appointed by the Michigan Supreme Court to the State of Michigan Attorney Grievance Commission. Dr. Pietrofesa works with adolescents and adults in the areas of anxiety and panic disorder, depression, substance abuse and addictions, behavior management, marital and family counseling, sexuality issues and developmental concerns. She also has experience doing court-ordered custody evaluations and serves as a parent-coordinator for divorced couples. Dr. Pietrofesa utilizes an eclectic approach with an emphasis on cognitive behavioral and insight-oriented therapy. Dr. Pietrofesa participates in most major insurance provider networks.

Jeffrey J. Sakwa, Member

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.

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, Member

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.

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.

J. Paul Janes, Attorney Member



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.

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 2017, 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.

Robert E. Edick, Deputy Administrator

Robert E. Edick received his J.D. from Wayne State University. Following graduation from law school he spent 4 years as an Assistant Wayne County Prosecuting Attorney in Detroit Recorder’s Court. Mr. Edick left the prosecutor’s office and entered private practice specializing in trial and appellate matters. He has served as Deputy Administrator for the Commission since January 1996.

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.

Rhonda S. Pozehl, Senior Associate Counsel

Rhonda Spencer Pozehl graduated from Oakland University and the University of Toledo College of Law. She is a Senior Staff Attorney at the Commission, having begun her employment in 1987. Ms. Pozehl left the Commission in 1997 to enter into private practice. She was an active member of the Oakland County Bar Association while in private practice and served on its Professionalism Committee. Ms. Pozehl returned to the Commission in 2004 and, since 2010, has handled trust account overdraft notifications and receivership matters. Ms. Pozehl is a member of the American Bar Association and the Macomb County Bar Association and serves as the Commission's liaison to the State Bar's Professional Ethics Committee. She is a regular presenter at the State Bar's trust accounting seminar, speaks to various groups regarding matters of ethics and has authored articles and columns relating to professional ethics.

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.

Kimberly L. Uhuru, Senior Associate Counsel

Kimberly L. Uhuru holds a bachelor's degree from Michigan State University 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 two terms on the State Bar of Michigan's Character and Fitness District H Panel.

Dina P. Dajani, Senior Associate Counsel

Dina P. Dajani received her B.A. from the College of Wooster in 1986 and earned her J.D. from Wayne State University in 1990. She is licensed to practice law in Michigan and in the U. S. District Court for the Eastern District of Michigan. She has worked at the Attorney Grievance Commission since 2002, investigating and prosecuting matters concerning lawyer misconduct. While at the Commission, Ms. Dajani has co-authored two articles and has regularly contributed to the AGC Practice Pointer column in the Michigan Bar Journal. Beginning in 2008, Ms. Dajani supervised the Commission's involvement in pro hac vice admissions and helped to successfully transfer pro hac vice admissions to the State Bar of Michigan in 2016. Before working at the Commission, Ms. Dajani worked at the Court of Appeals as a judicial law clerk and as a prehearing research attorney.

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.

Sarah C. Lindsey, Senior Associate 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.

Craig Pavlock, Senior Associate Counsel

Craig O. Pavlock received a bachelor's degree from the University of Michigan in psychology in 1993 and a juris doctorate from the University of Detroit Mercy School of Law in 1996. While in law school, he clerked for the Honorable Michael Batchik in the 52-1st District Court in Novi. Following graduation, Mr. Pavlock passed the bar exam and worked as an assistant prosecuting attorney at the Oakland County Prosecutor's office in Pontiac until 2012. Mr. Pavlock left the prosecutor's office and entered private practice representing municipalities in a variety of matters. Most recently, Mr. Pavlock was employed in the Michigan Office of the Attorney General where he worked in the Labor Division. He has now served as a senior associate counsel for the Attorney Grievance Commission since October, 2019.

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 including Special Operations and the Juvenile Division. Mrs. Anderson began her legal career in the area of criminal defense, but soon learned her interests were in seeking justice for the public as a prosecutor.

Jordan D. Pattera, Associate Counsel

Jordan D. Pattera received his A.B. in English Literature and Language from the University of Chicago and his J.D. from Wayne State University Law School. Before arriving at the Attorney Grievance Commission in December 2016, Mr. Pattera worked for several law firms as a litigation associate and was a law clerk in the United States District Court for the Eastern District of Michigan for four years. He is licensed to practice in Michigan's state and federal courts.

Nathan C. Pitluk, Associate Counsel

Nathan C. Pitluk earned his Bachelor's degree from the University of Michigan in Dearborn and his J.D. from Michigan State University College of Law. Mr. Pitluk was in private practice where he defended medical professionals in licensing actions and criminal proceedings. Previously, Mr. Pitluk served as an intern at the Michigan Supreme court for Justice Robert Young and as an intern at the Attorney Grievance Commission. Mr. Pitluk was a law clerk at the Michigan Attorney General's Office in the Corporate Oversight Division, protecting consumers in complex mortgage disputes. He is licensed to practice law in Michigan and the U.S. District Court for the Eastern District of Michigan. Mr. Pitluk Joined the Commission in 2017.

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.

Commission Procedures

The grievance and discipline process is 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 2019, the Commission docketed **2067** Requests for Investigation [grievances]. This number includes **216** 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 **20,000** phone calls in the year 2019. Appendix A (page 18 of this report) includes a 10-year comparison of the Requests for Investigation filed since 2009.

Table 1 (below) compares the final disposition of the grievances resolved by the Grievance Administrator or the Commission in 2019 compared to 2018. In 2019, the Commission received **2067** grievances. The **2067** dispositions in 2019 included **1319** grievances dismissed by the Grievance Administrator pursuant to MCR

9.112(C)(1)(a) and MCR 9.114(A)(1); **322** grievances closed by the Commission; **107** admonitions issued by the Commission; **16** contractual probations approved by the Commission; **118** individual grievances approved by the Commission for the filing of a formal complaint; **27** judgments of conviction were authorized for formal action.

Table 1 – Disposition of Grievances, 2018 and 2019.

	2018	2019
Total Grievances Received	1894	2067
Rejected by the GA or Closed in Intake	1107	1319
Closed by the Commission	248	322
Admonishments	92	107
Contractual Probation	27	16
Approved for Formal Complaints	112	118
Approved for Judgment of Conviction	15	27

The dispositions of grievances for a particular year are not necessarily dispositions of all grievances filed for that year. The dispositions for 2019 included grievances filed before January 1, 2019, and some of the grievances filed during the year were pending on January 1, 2019.

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 **118** formal complaints in 2019, compared to **97** filed in

2018. Appendix A (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 **27** new matters in 2019 based on an attorney's criminal convictions, compared to **33** convictions filed in 2018.

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 a comparable discipline should be imposed. Reciprocal proceedings were instituted in **5** cases in 2019, compared to **8** in 2018.

The Grievance Administrator is also a participant in ADB reinstatement proceedings initiated by attorneys who have been suspended for more than 180 days 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. Eleven (**11**) state reinstatement petitions were filed in 2019, compared to twelve (**12**) in 2018.

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 **3** such proceedings in 2019, compared to **0** in 2018. In addition, there were **5** miscellaneous filings with the ADB, which include Motion for Order to Show Cause, or Motion to Quash Subpoena.

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 2018, the ADB ruled on **13** petitions for review following briefing and oral arguments presented by the Grievance Administrator and the Respondent. 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 controls 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 **16** matters filed with the Supreme Court in 2019. In addition to the complaints for superintending control filed, there were **3** applications for leave to appeal with the Supreme Court.

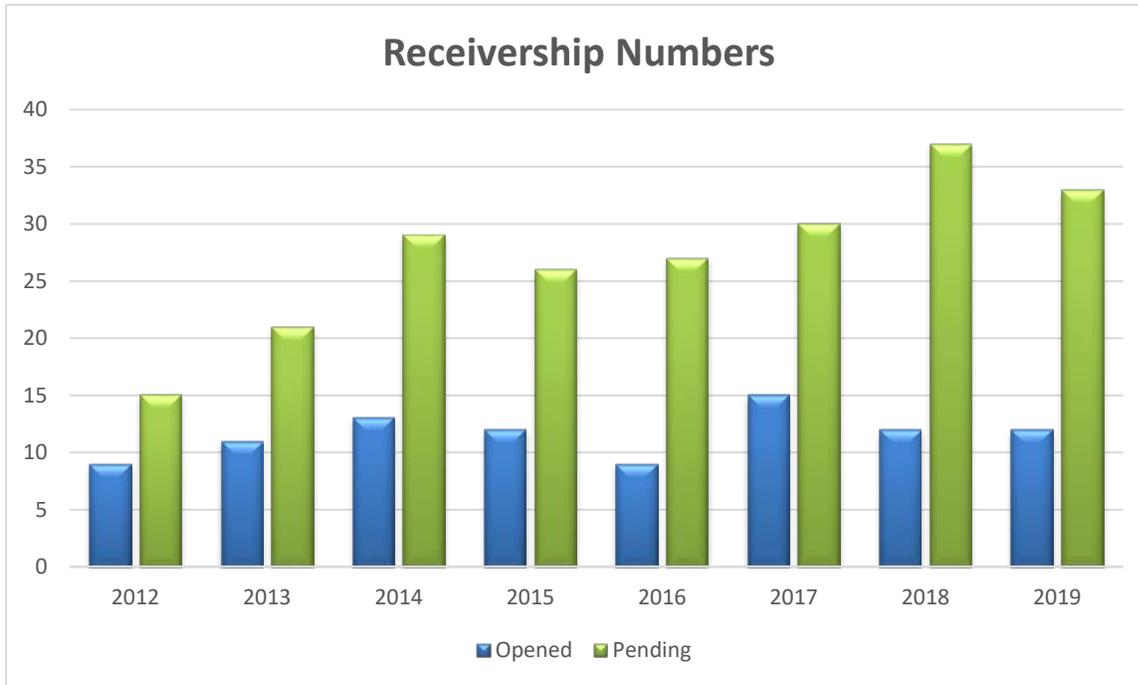
Reconsideration:

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 in order to

protect the interests of clients. The Grievance Administrator opened **12** new receivership files in 2019, compared to **12** new receivership files in 2018. **19** receiverships were closed during the year 2019 compared to **5** in 2018. **33** open receivership files were pending at the end of 2019 compared to **37** 2018.



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 2019, the Administrator appeared in **0** discipline or reinstatement proceedings 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 2019, annual dues for active members were **\$315**, of which **\$120** was specifically allocated to the two discipline agencies. For the fiscal year, which ended September 30, 2019, the combined approved operating expenses of the Attorney Grievance Commission

and the Attorney Discipline Board were \$5,477,780 The Attorney Grievance Commission's approved operating expenses for the fiscal year 2019 were \$4,259,593.

Contact Information

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

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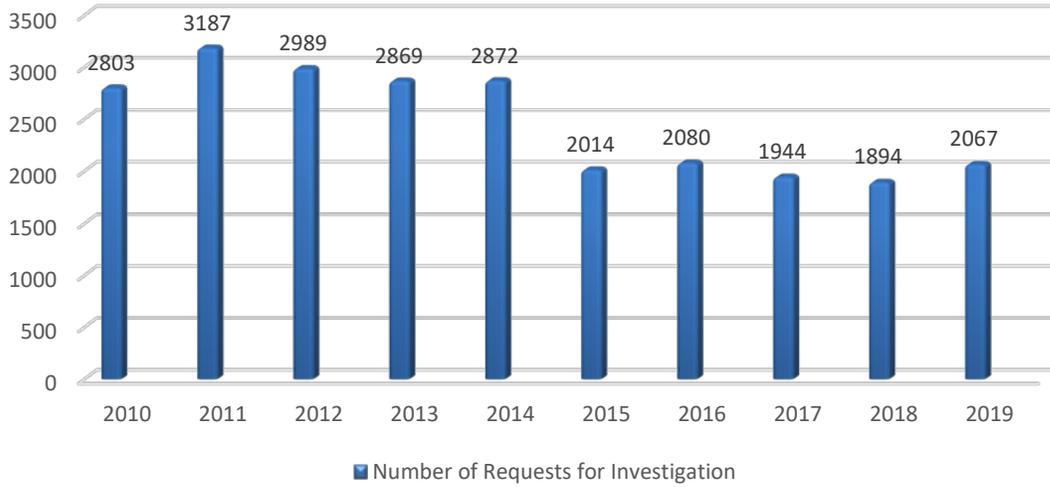
Michael V. Goetz
Grievance Administrator

Valerie R. White

Valerie R. White
Chairperson, AGC

Appendix A

2010-2019 AGC 10-Year Comparison Chart Requests for Investigation



2010-2019 AGC 10-Year Comparison Chart Formal Complaints Filed

