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NOTICE OF SUSPENSION (By Consent)

Case No. 13-115-GA

Notice Issued: July 3, 2014

- J. Kim Welch, P 59766, Clarkston, Michigan, by the Attorney Discipline Board Tri-County Hearing Panel #66.
 - 1. Suspension 180 Days
 - 2. Effective July 3, 2014

The respondent and the Grievance Administrator filed a stipulation for a consent order of discipline, in accordance with MCR 9.115(F)(5), which was approved by the Attorney Grievance Commission and accepted by the hearing panel. Based on respondent's plea of no contest to the allegations in the First Amended Formal Complaint, the panel found that respondent handled a client's legal matter without preparation adequate in the circumstances, in violation of MRPC 1.1(b); neglected five different clients' legal matters, in violation of MRPC 1.1(c); failed to seek the lawful objectives of his client through reasonably available means, in violation of MRPC 1.2(a); counseled a client to engage in conduct that the lawyer knew was illegal or fraudulent, in violation of MRPC 1.2(c); failed to act with reasonable diligence in representing four clients, in violation of MRPC 1.3; failed to keep three of his clients reasonably informed about the status of their legal matters, in violation of MRPC 1.4(a); in seven matters, failed to explain matters to the extent necessary to permit his clients to make informed decisions, in violation of MRPC 1.4(b); collected an excessive or illegal fee with regard to five clients, in violation of MRPC 1.5(a); failed to communicate the basis or rate of his fee to two clients, in violation of MRPC 1.5(b); knowingly revealed a confidence or secret of a client, in violation of MRPC 1.6(b); failed to exercise reasonable care to prevent employees, associates, and others from disclosing confidences or secrets of a client, in violation of MRPC 1.6(d); in three matters, failed to hold client property in connection with a representation in an IOLTA, in violation of MRPC 1.15(c); failed to keep property of a client or third person in connection with the representation separate from the lawyer's own property, in violation of MRPC 1.15(d); failed to deposit legal fees and costs that had been paid in advance in three matters, in a client trust account, in violation of MRPC 1.15(g); upon termination of the representation in four matters, respondent failed to refund the advance payment of fee that had not been earned, in violation of MRPC 1.16(d); failed to make reasonable efforts to expedite litigation consistent with the interests of a client, in violation of MRPC 3.2; knowingly made a false statement of material fact, in violation of MRPC 3.3(a)(1); knowingly disobeyed an obligation under the rules of a tribunal in two matters, in violation of MRPC 3.4; failed to make reasonable efforts to ensure that a non-lawyer's conduct is compatible with the professional obligations of the lawyer, in violation of MRPC 5.3(b); made a knowing misrepresentation of facts or circumstances surrounding three requests for investigation, in violation of MCR 9.104(6); and, failed to fully and fairly disclose all the facts and circumstances pertaining to the alleged misconduct in three matters, in violation of MCR 9.113(A). The panel also found that respondent violated MRPC 8.4(a) and (b); and MCR 9.104(1)-(4).

In accordance with the stipulation of the parties, the hearing panel ordered that respondent's license to practice law in Michigan be suspended for 180 days. Costs were assessed in the amount of \$1,482.18.

Mark A. Armitage

JUL - 3 2914

Dated: