

NOTICE OF DISBARMENT AND RESTITUTION WITH CONDITIONS

Case Nos. 23-22-JC; 23-23-GA

Notice Issued: April 3, 2024

Donald J. Neville, P 60213, Taylor, Michigan

Disbarment - Effective July 07, 2023

The Grievance Administrator filed a combined Notice of Filing of Judgment of Conviction and an eight-count formal complaint against respondent. The notice, filed in accordance with MCR 9.120(B)(3), stated that respondent was convicted of the misdemeanor offense of impaired driving on July 20, 2021, in violation of MCL/PACC Code 257.625(3)-A, in a matter titled *State of Michigan v Donald J. Neville*, 53rd Judicial District Court, Case No. 21-0038-SD. The eight-count formal complaint alleged that respondent committed professional misconduct during his representation of six separate clients, when he attended two separate court appearances, and when he failed to respond to a subpoena issued by the Grievance Administrator.

After proceedings conducted pursuant to MCR 9.115, and 9.120, Tri-County Hearing Panel #12 found that, based on respondent's conviction, respondent engaged in conduct that violated a criminal law of a state or of the United States, an ordinance, or tribal law pursuant to MCR 2.615, in violation of MCR 9.104(5).

Based on respondent's default for failing to answer the formal complaint, and the evidence presented at the hearing, the panel found that respondent failed to represent a client competently, in violation of MRPC 1.1(a) [Count Two]; handled a matter without preparation adequate in the circumstances, in violation of MRPC 1.1(b) [Count Seven]; neglected a legal matter entrusted to him, in violation of MRPC 1.1(c) [Counts One, Three, Four, Five, Six, Seven]; failed to seek the lawful objectives of a client, in violation of MRPC 1.2(a) [Counts One, Three, Four, Five, Six, Seven]; failed to act with reasonable diligence and promptness in representing a client, in violation of MRPC 1.3 [Counts One through Six]; failed to keep his client reasonably informed about the status of a matter and comply promptly with reasonable requests for information, in violation of 1.4(a) [Counts Three, Four, Five, Six]; failed to explain a matter to the extent reasonably necessary to permit the client to make an informed decision regarding the

representation, in violation of MRPC 1.4(b) [Counts Three, Four, Six, Seven]; charged an excessive fee that was not properly explained, in violation of MRPC 1.5(a) and (b) [Count Six]; engaged in a conflict of interest by allowing his personal interests to affect the representation of his client, in violation of MRPC 1.7(b)(2) [Count One]; failed to promptly pay or deliver funds that the client or third person is entitled to receive, in violation of MRPC 1.15(B)(3) [Count Six]; failed to withdraw from the case prior to appearing due to his physical condition, in violation of MRPC 1.16(a)(2) [Counts Two, Seven]; upon termination of representation, failed to promptly refund an unearned fee, in violation of MRPC 1.16(d) [Counts Three, Four, Five, Six]; failed to expedite litigation, in violation of MRPC 3.2 [Counts Two, Three, Four, Five, Seven]; knowingly made a false statement of material fact to the tribunal, in violation of MRPC 3.3(a)(1) [Count Seven]; engaged in inappropriate conduct towards the tribunal, in violation of MRPC 3.5(d) [Counts Two, Seven]; knowingly made a false statement of material fact in connection with a disciplinary matter, in violation of MRPC 8.1(a)(1) [Count Three]; failed to respond to a lawful demand for information from a disciplinary authority, in violation of MRPC 8.1(a)(2) [Count Eight]; engaged in conduct that violates the Rules of Professional Conduct, in violation of MRPC 8.4(a) and MCR 9.104(4) [Counts One through Seven]; 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) [Counts One, Three, Four, Five, Six]; engaged in conduct that is prejudicial to the administration of justice, in violation of MRPC 8.4(c) and 9.104(1) [Counts One through Five, Seven, Eight]; stated or implied that he possessed an ability to improperly influence the judge in his client's matter, in violation of MRPC 8.4(d) [Count One]; engaged in conduct that exposes the legal profession or the courts to obloquy, contempt, censure or reproach, in violation of MCR 9.104(2) [Counts One through Seven]; and engaged in conduct that is contrary to justice, ethics, honesty, or good morals, in violation of MCR 9.104(3) [Counts One through Seven].

The panel ordered that respondent's license to practice law be suspended for 181 days, effective July 7, 2023, that he be subject to conditions relevant to the established misconduct, and pay restitution totaling \$8,335.00. The Grievance Administrator filed a timely petition for review and, after proceedings held in accordance with MCR 9.118, the Board increased discipline from a 181-day suspension of respondent's license to practice law in Michigan to disbarment and affirmed the restitution and condition provisions imposed by the panel. Additional costs incurred for the review proceedings were assessed totaling \$3,389.39.