

## NOTICE OF SUSPENSION AND RESTITUTION

Case No. 22-77-GA

**Notice Issued: June 20, 2024**

Brian T. Dailey, P 39945, Grosse Pointe Farms, Michigan

Suspension - 5 Years, Effective June 20, 2024

The Grievance Administrator filed a Twelve-Count Formal Complaint against Respondent. Based on the evidence presented to the hearing panel at hearings held in this matter in accordance with MCR 9.115, the hearing panel found that respondent committed professional misconduct during his representation of various clients in numerous cases, and by failing to make payments of earned wages owed to his former bookkeeper and his assistant, failing to pay other attorneys for referral fees and their portion of earned attorney fees, and failing to pay court-ordered costs to other attorneys.

Specifically, the panel found that respondent: neglected a legal matter, in violation of MRPC 1.1(c) [Count Six]; failed to act with reasonable diligence and promptness in representing a client, in violation of MRPC 1.3 [Counts Six, Eight, Ten]; failed to promptly comply with a client's reasonable request for information, in violation of MRPC 1.4(a), and failed to explain a matter to a client to the extent reasonably necessary to permit the client to make informed decisions about the representation, in violation of MRPC 1.4(b) [Counts Eight, Ten]; charged or collected, or attempted to charge or collect, clearly illegal or excessive fees, in violation of MRPC 1.5(a) and MCR 5.313(B) [Count Six]; failed to promptly pay or deliver funds that a third person is entitled to receive, and failed to promptly render a full accounting regarding such funds, in violation of MRPC 1.15(b)(3) [Counts One, Two, Three, Five through Eleven]; failed to hold disputed property separate from the lawyer's property until the dispute is resolved, in violation of MRPC 1.15(c) and failed to hold property of clients or third persons in connection with a representation separate from the lawyer's own property, in violation of MRPC 1.15(d) [Count Two]; asserted a frivolous position in a proceeding, in violation of MRPC 3.1 [Count Five], knowingly disobeyed an obligation under the rules of a tribunal, in violation of MRPC 3.4(c) [Counts One, Four, Five, Six, Eight, Nine, Eleven]; violated or attempted to violate the Rules of Professional Conduct, in violation of MRPC 8.4(a) [Count Five]; engaged in conduct involving dishonesty and deceit, 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 through Nine, Eleven]; engaged in conduct prejudicial to the administration of justice, in violation of MRPC 8.4(c) [Counts Two, Four, Five, Eight, Nine, Eleven]; engaged in conduct that is prejudicial to the proper administration of justice, in violation of MCR 9.104(1) [Counts One, Two, Four, Five, Six, Eight through Eleven]; 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, Two, Four, Five, Six, Eight, Nine, Eleven]; engaged in conduct that is contrary to justice, ethics, honesty, or good morals, in violation of MCR 9.104(3) [Counts One, Three through Eleven]; and, failed to answer a request for investigation or complaint in conformity with MCR 9.113 and 9.115(D), in violation of MCR 9.104(7) [Count Twelve]. The hearing panel also determined the Grievance Administrator failed to establish respondent violated the following rules:

MRPC 1.3 and MRPC 1.5(a) [Count Seven]; MRPC 8.1(a)(2) [Count Twelve]; MRPC 8.4(b) [Counts Ten, Twelve]; MRPC 8.4(c) [Counts Three, Seven, Twelve]; MCR 9.104(1) [Counts Three, Seven, Twelve]; MCR 9.104(2) [Counts Three, Seven, Ten, Twelve]; MCR 9.104(3) [Count Twelve]; and MCR 9.104(5) [Count Five].

The panel ordered that respondent's license to practice law in Michigan be suspended for a period of five years and that he pay restitution in the total amount of \$24,478.85, plus interest. Costs were assessed in the amount of \$13,479.86.

Respondent timely filed a petition for review and a motion for stay. In an order dated May 28, 2024, the Attorney Discipline Board granted respondent's motion for stay, on an interim basis, pending further consideration by the Board. On June 13, 2024, an order was entered denying respondent's motion for stay, ordering that the interim stay was dissolved, and that the hearing panel's order of suspension and restitution would be effective June 20, 2024. This matter will be scheduled for a hearing on the petition for review before the Attorney Discipline Board in the near future.