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NOTICE OF REPRIMAND AND RESTITUTION
(By Consent)

Case No. 17-62-GA

Notice Issued: July 17, 2017

Joseph H. McKoan, IV, P 55642, Algonac, Michigan, by the Attorney Discipline Board Tri-County Hearing Panel #106.

Reprimand, Effective July 14, 2017

The respondent and the Grievance Administrator filed a Stipulation for 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. The stipulation contains respondent's admission that he committed acts of professional misconduct during his representation of client in a probate matter and as personal representative in the same probate matter. Respondent also admitted, through the stipulation, to failing to notify his client and a court of his suspension from the practice of law in Michigan and to have misstated his compliance regarding notification of his suspension to clients and the courts in his affidavit of compliance in accordance with MCR 9.119.

Based upon respondent's admissions and the stipulation of the parties, the panel found that respondent failed to maintain time records that state the identity of the person performing personal representative services, the date the services are performed, the amount of time expended in performing the services, and a brief description of the services, in violation of MCL 700.3719(2); served as the personal representative for the estate and as counsel to the beneficiary of the estate, creating a conflict of interest, in violation of MRPC 1.7(a) and (b); failed to receive consent, in writing, to be the estate's personal representative and the beneficiary's attorney at the same time, in violation of MRPC 1.7(a) and (b); knowingly made a false statement of material fact, in violation of MRPC 8.1(a)(1); failed to notify his client within seven days of the effective date of an order of discipline, in writing, by registered or certified mail, return receipt requested, in violation of MCR 9.119(A); failed to notify the probate court of his suspension or otherwise comply with MCR 9.119(B); and made a material misstatement in his affidavit that he notified all clients and tribunals, when he did not, in violation of MCR 9.119(C). Respondent was also found to have violated MCR 9.104(1)-(3) and MRPC 8.4(a) and (c).

In accordance with the stipulation of the parties, the panel ordered that respondent be reprimanded, effective July 14, 2017, and that he pay \$5,000 in restitution to his former client. Costs were assessed in the amount of \$1,176.67.


Mark A. Armitage
Executive Director