

STATE OF MICHIGAN

FILED  
ATTORNEY DISCIPLINE BOARD

Attorney Discipline Board 15 JAN 22 PM 12: 26

GRIEVANCE ADMINISTRATOR,  
Attorney Grievance Commission,

Petitioner,

v

Case No. 14-39-GA

MATTHEW CHARLES JUSTICE, P 71390,

Respondent.

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**ORDER AFFIRMING HEARING PANEL ORDER OF SUSPENSION AND RESTITUTION  
AND MODIFYING FINDINGS OF MISCONDUCT**

Issued by the Attorney Discipline Board  
211 W. Fort St., Ste. 1410, Detroit, MI

Respondent petitioned for review of Allegan County Hearing Panel #1's July 30, 2014 order suspending him for 180 days and ordering restitution. The well-pleaded allegations of the formal complaint were established by default. Although respondent did attend a portion of the hearing before the panel, he did not move to set aside the default and the parties proceeded to the discipline phase and addressed the appropriate sanctions for the misconduct. During the course of the proceeding, respondent admitted most of the allegations and stated to the panel that he had suffered from various conditions, including depression and attention deficit disorder. Noting that respondent provided no substantiation beyond his own statements, the panel made the following finding:

It appears to the panel that respondent, as he admitted at the hearing, cannot practice of law effectively and without endangering his clients, the public in general, and the reputation of the legal profession. Respondent's failings in the matters alleged in the complaint are profound, egregious, and totally unacceptable for a practicing attorney. [HP Report, p 4.]

The five-count complaint alleged various types of misconduct, including neglect, failure to act with diligence, insufficient communication with clients, frivolous litigation, failure to promptly pay funds owed to another, and failure to answer requests for investigation and otherwise respond to the lawful demands of the Administrator for information during the investigation. Among the charges were also the assertions that respondent "engaged in conduct which involved dishonesty, fraud, deceit and misrepresentation, in violation of MRPC 8.4(b)," and "engaged in conduct that was contrary to justice, ethics, honesty, or good morals, in violation of MCR 9.104(3)."

Respondent petitioned for review, arguing, among other things, that his actions were not intentional and were not dishonest or immoral. Respondent petitioned for a stay of the discipline ordered by the hearing panel pursuant to MCR 9.115(K), which request was denied; the 180-day suspension herein became effective August 21, 2014. In an order entered prior to the review

hearing in this matter, the petitioner was directed to address the question "whether the allegations pled in the formal complaint support a conclusion that respondent committed dishonest conduct." Based upon the presentations of the parties at the review hearing, this Board concludes that the findings of misconduct premised upon the default of the respondent are properly supported by the allegations in the formal complaint, with the exception of the findings that respondent has violated MRPC 8.4(b) (dishonesty) and MCR 9.104(3) (conduct contrary to justice, ethics, honesty or good morals).

**NOW THEREFORE,**

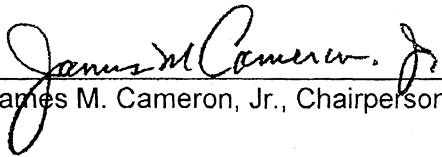
**IT IS ORDERED** that the charges that respondent violated MRPC 8.4(b) and MCR 9.104(3) are **DISMISSED**.

**IT IS FURTHER ORDERED** that the hearing panel's order of suspension and restitution, is **AFFIRMED** in all other respects.

**IT IS FURTHER ORDERED** that respondent shall, on or before February 20, 2015, pay court reporting costs incurred by the Board for the review hearing conducted on November 19, 2014, in the amount of **\$103.61**. These costs are in addition to the costs assessed by the hearing panel in the amount of \$1,966.26. (A certification for non-payment of those costs was issued on November 7, 2014.) Total costs now due are \$2,074.95, including assessed interest. Costs may be paid by check or money order made payable to the Attorney Discipline System, and submitted to the Attorney Discipline Board, 211 West Fort St., Ste. 1410, Detroit, MI 48226 for proper crediting. (See attached instruction sheet).

ATTORNEY DISCIPLINE BOARD

By:

  
James M. Cameron, Jr., Chairperson

DATED: January 22, 2015

Board members James M. Cameron, Jr., Lawrence G. Campbell, Dulce M. Fuller, Sylvia P. Whitmer, Ph. D., Rosalind E. Griffin, M.D., Louann Van Der Wiele, James A. Fink, and John W. Inhulsen concur in this decision.

Board member Michael Murray was absent and did not participate.