

STATE OF MICHIGAN  
Attorney Discipline Board

GRIEVANCE ADMINISTRATOR,  
Attorney Grievance Commission,

Petitioner,

v

Case No. 11-56-GA

JOHN B. LYGIZOS, P 27934,

Respondent.

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FILED  
ATTORNEY DISCIPLINE BOARD  
12 JUN 13 PM 3:38

**ORDER AFFIRMING HEARING PANEL ORDER OF DISBARMENT**

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

The hearing panel found that respondent violated MRPC 8.4(b), MRPC 1.15(d), and MCR 9.104(A)(3), among other rules, and ordered disbarment of the respondent.<sup>1</sup> Respondent has filed a petition for review, arguing that the panel's ruling that "misappropriation is a per se offense" precluded him from introducing evidence of his intent in handling estate funds at issue in this matter, and that the discipline imposed was too severe. We find no basis for reversal.

At the hearing on misconduct, respondent testified at length, and in various ways, that he did not intend to convert the estate's funds. Early in the hearing on sanctions, the hearing panel announced that it agreed with the Administrator's position that misappropriation was a per se offense. It is clear from the record that this ruling simply mirrored the terms of MRPC 1.15(d).<sup>2</sup> In other words, this rule contains no element regarding state of mind. However, evidence regarding respondent's claimed inadvertence in violating this and the other rules set forth in the formal complaint was received during the misconduct phase. Respondent testified as to his purported innocent intent in moving the estate monies from a dedicated account to his IOLTA account and then spending it on his personal and business expenses.

There is no dispute that over a period of several years, respondent spent the estate funds by transferring them to his IOLTA account and then spending the funds in that account for personal and business expenses. Nor is it disputed that respondent filed, in 2008, false reports with the probate court indicating that the appropriate balances had been maintained on behalf of the estate from 2003-2008. Among the panel's findings is this statement regarding respondent's state of mind:

In the instant matter, as in [*Grievance Administrator v Frederick A. Petz*, 99-102-GA (ADB 2000)] and [*Grievance Administrator v Terry A. Trott*, 10-43-GA (ADB 2011)], the respondent knew that he was

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<sup>1</sup> The panel dismissed allegations that he violated MRPC 1.15(b)(3) and MCR 9.104(A)(5).

<sup>2</sup> MRPC 1.15(d) provides: "A lawyer shall hold property of clients or third parties in connection with a representation separate from the lawyer's own property. All client or third person funds shall be deposited in an IOLTA or non-IOLTA account. Other property shall be identified as such and appropriately safeguarded."

taking client funds and knew that he was spending funds held in trust for others. Respondent himself wrote the checks. There is no question that his misconduct exceeds any imaginable level of "sloppiness" or honest mistake, although there was evidence of that as well. [HP Report, p 3.]

These findings have proper evidentiary support in the record, and respondent has not established any error which prevented him from litigating issues essential to a determination that he committed dishonest conduct (MCR 9.104(A)(3); MRPC 8.4(b)) by converting estate proceeds and thereby failing to properly safeguard funds held for the estate (MRPC 1.15(d)). As the Administrator clarified in addressing the panel's ruling at the hearing, evidence of intent was relevant, admitted, and appropriately considered by the panel as to whether the conduct amounted to dishonesty, conversion, or criminal conduct.

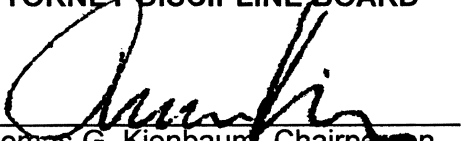
Respondent has not demonstrated that the sanction imposed by the panel is inappropriate under the American Bar Association Standards for Imposing Lawyer Sanctions or precedent.

Accordingly, the hearing panel's order of disbarment is **AFFIRMED**.

**IT IS FURTHER ORDERED** that respondent shall, pay court reporting costs incurred by the Board for the review hearing conducted on May 9, 2012 in the amount of \$137.69. This cost shall be added to the payment plan currently in effect. Respondent's final payment shall now be due on or before **July 20, 2013**, in the amount of **\$137.69**. Costs may be paid by check or money order made payable to the State Bar of Michigan but submitted to the Attorney Discipline Board, 211 West Fort St., Ste. 1410, Detroit, MI 48226, for proper crediting.

ATTORNEY DISCIPLINE BOARD

By:

  
Thomas G. Kienbaum, Chairperson

DATED: June 13, 2012

Board members Thomas G. Kienbaum, James M. Cameron, Jr., Rosalind E. Griffin, M.D., Andrea L. Solak, Carl E. Ver Beek, Craig H. Lubben, Sylvia P. Whitmer, Ph. D., Lawrence G. Campbell, and Dulce M. Fuller concur in this decision.