

STATE OF MICHIGAN

FILED
ATTORNEY DISCIPLINE BOARD
09 FEB -6 PM 2:54

Attorney Discipline Board

GRIEVANCE ADMINISTRATOR,
Attorney Grievance Commission,

Petitioner,

v

Case No. 07-96-GA

MICHAEL J. BROGAN, P 40047,

Respondent.

ORDER AFFIRMING HEARING PANEL ORDER OF REVOCATION

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

Respondent, Michael J. Brogan, petitioned for review of the hearing panel order of revocation entered in this matter on July 9, 2008. Respondent and the Grievance Administrator filed a stipulation for stay of discipline which was approved by order of the Attorney Discipline Board. That stay of discipline was dissolved by an order of the Attorney Discipline Board approving a subsequent stipulation establishing an October 25, 2008 effective date of the hearing panel's order of revocation. The Board has conducted review proceedings in accordance with MCR 9.118 and has considered the briefs and arguments presented at a review hearing conducted January 14, 2009.

Based on the stipulation presented to the hearing panel on January 29, 2008, respondent's professional misconduct is not at issue. On review, respondent has not shown that the hearing panel erred in its conclusion that his misappropriation of funds held on behalf of Estraletha Gonzales warranted revocation of his license to practice law under a proper application of Standard 4.11 of the American Bar Association's Standards for Imposing Lawyer Sanctions and precedent of the Attorney Discipline Board, to wit: Grievance Administrator v Petz, ADB Case No. 99-102-GA, 99-103-FA (ADB 2001) and Grievance Administrator v Watts, ADB Case No. 05-151-GA (ADB 2007). Nor has it been shown that the hearing panel erred in its consideration of the aggravating and mitigating factors which may be considered under ABA Standards 9.22 and 9.32 or in its conclusion that probation under MCR 9.121(C) would not be appropriate in this case.

NOW THEREFORE,

IT IS ORDERED that the hearing panel order entered July 9, 2008 revoking the license of respondent, Michael J. Brogan, effective October 25, 2008 is **AFFIRMED**.

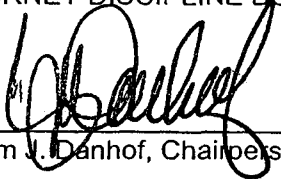
IT IS FURTHER ORDERED that respondent's license to practice law in Michigan is **REVOKED EFFECTIVE OCTOBER 25, 2008**, and until further order of the Supreme Court, the Attorney Discipline Board or a hearing panel, and until respondent complies with the requirements of MCR 9.123(B) and (C) and MCR 9.124.

IT IS FURTHER ORDERED that the respondent shall comply with all applicable provisions of MCR 9.119.

IT IS FURTHER ORDERED that respondent shall, on or before **March 7, 2009**, pay costs previously assessed in the hearing panel order of July 9, 2008 in the amount of \$2,722.77, together with costs incurred by the Attorney Discipline Board for the transcript of review proceedings conducted on January 14, 2009 in the amount of \$115.00 for a total amount due of **\$2,837.77**. Check or money order shall be 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. (See attached instruction sheet).

ATTORNEY DISCIPLINE BOARD

By:



William J. Danhof, Chairperson

DATED: February 6, 2009

Board members William J. Danhof, Thomas G. Kienbaum, Billy Ben Baumann, M.D., Andrea L. Solak, Rosalind E. Griffin, M.D., Carl E. Ver Beek, Craig H. Lubben and James M. Cameron, Jr. concur in this decision.

Board member William L. Matthews, C.P.A. did not participate.