

STATE OF MICHIGAN
Attorney Discipline Board

GRIEVANCE ADMINISTRATOR,
Attorney Grievance Commission,

Petitioner/Appellee,

v

Case No. 22-77-GA

BRIAN T. DAILEY, P 39945,

Respondent/Appellant.

**ORDER AFFIRMING IN PART AND VACATING IN PART FINDINGS OF MISCONDUCT,
INCREASING DISCIPLINE FROM A FIVE-YEAR SUSPENSION TO DISBARMENT,
AND AFFIRMING RESTITUTION**

Issued by the Attorney Discipline Board
333 W. Fort St., Ste. 1700, Detroit, MI

On May 7, 2024, Tri-County Hearing Panel #17 of the Attorney Discipline Board issued an order of suspension and restitution, suspending respondent's license to practice law for five years, effective May 29, 2024, and ordering respondent to pay a total of \$24,478.85 (plus interest) in restitution. Respondent timely filed a petition for review and a motion for stay, which was granted on an interim basis, pending further consideration by the Board. Ultimately, respondent's motion for stay was denied by the Board on June 13, 2024, which made the effective date of his suspension June 20, 2024.

On December 11, 2024, the Attorney Discipline Board conducted a review proceeding in accordance with MCR 9.118, which included a review of the whole record before the hearing panel and consideration of the arguments and briefs presented by the parties. For the reasons discussed in the attached opinion, we affirm the hearing panel's findings of misconduct in part and reverse in part, increase the discipline imposed from a five-year suspension to disbarment, and affirm the order of restitution.

NOW THEREFORE,

IT IS ORDERED that the hearing panel's finding that respondent violated MRPC 1.15(b)(3) in Counts Five and Eleven of the Amended Formal Complaint are **VACATED**.

IT IS FURTHER ORDERED that the hearing panel's findings of misconduct in all other respects are **AFFIRMED**.

IT IS FURTHER ORDERED that discipline in this case is increased from a suspension of five years to a **DISBARMENT EFFECTIVE JUNE 20, 2024**, 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 respondent shall comply with all applicable provisions of MCR 9.119.

IT IS FURTHER ORDERED that restitution in the amount of **\$6,181.22** (plus interest) to Lawrence Gursten, **\$6,492.63** (plus interest) to Steven Lehto, **\$2,805.00** (plus interest) to Greenfield Super Market, **\$1,500.00** (plus interest) to Greenfield Super Market, and **\$7,500.00** (plus interest) to the Estate of Maria Orth, as ordered by Tri-County Hearing Panel #17, is **AFFIRMED**. Respondent shall file written proof of payment with the Attorney Grievance Commission and the Attorney Discipline Board within 10 days of the payment of restitution.

IT IS FURTHER ORDERED that respondent shall not be eligible for reinstatement in accordance with MCR 9.123(B) unless he has fully complied with the restitution provisions of this order.

IT IS FURTHER ORDERED that respondent shall, on or before **April 22, 2025**, pay costs incurred by the Attorney Discipline Board for the transcript of the review proceedings conducted on December 11, 2024, in the amount of **\$245.90**. This amount is in addition to the costs previously assessed in the hearing panel order dated May 7, 2024, in the amount of **\$13,479.86**, together with interest pursuant to MCR 9.128, in the amount of **\$472.39**. Total costs assessed and owed are **\$14,198.15**. Please refer to the attached cost payment instruction sheet for method and forms of payment accepted.

ATTORNEY DISCIPLINE BOARD

By: /s/Peter A. Smit, Vice-Chairperson

Dated: March 24, 2025

Board Members Peter A. Smit, Rev. Dr. Louis J. Prues, Linda M. Orlans, Jason M. Turkish, Katie M. Stanley, Tish Vincent, and Kamilia Landrum concur in this decision.

Board Member Andreas Sidiropoulos, MD was absent and did not participate in this decision.

Board Member Alan Gershel is recused from this matter and did not participate in this decision.