

STATE OF MICHIGAN

Attorney Discipline Board

GRIEVANCE ADMINISTRATOR,
Attorney Grievance Commission,

Petitioner,

v

Case No. 22-82-GA

REBECCA S. TIEPPO, P 62311,

Respondent,

**ORDER DENYING PETITIONER'S MOTION TO AMEND
ORDER OF SUSPENSION WITH CONDITIONS**

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

On August 28, 2024, Tri-County Hearing Panel #8 issued an Order of Suspension with Conditions suspending respondent's license to practice law for a period of 30 days, effective September 19, 2024. The Order also included conditions relevant to the misconduct, specifically that:

1. Within 90 days of the effective date of the suspension of respondent's license, respondent must meet with a representative of the State Bar of Michigan's Practice Management Resource Center for the purpose of obtaining an assessment of her office procedures. If required, additional sessions will be scheduled to attempt to assure that respondent's office procedures and practices support

compliance with the Michigan Rules of Professional Conduct.

2. Respondent must complete at least one continuing education course, the focus of which is on professionalism and civility, and provide proof of completion of such a course within one year of the effective date of the suspension of respondent's license.
3. Respondent must schedule an assessment by LJAP within 90 days of the effective date of the suspension of respondent's license, and, if necessary, develop a plan with LJAP to address any ongoing concerns and needs, including mental and physical health and family and financial stressors.

Neither respondent nor the Grievance Administrator filed a motion for reconsideration and/or clarification of the hearing panel's order. On September 18, 2024, respondent filed a petition for review and a petition for stay, which automatically stayed the order of discipline pursuant to MCR 9.115(K). The Grievance Administrator did not file a cross-petition for review.

On review, respondent argued that the findings of misconduct were erroneous and should be dismissed, and that all sanctions against her should be vacated. The Grievance Administrator argued that the hearing panel's findings of misconduct and the sanction imposed against respondent should be affirmed in their entirety. Oral argument was held on respondent's petition for review on December 11, 2024. Neither respondent, nor the Grievance Administrator in response, requested that any of the language in the panel's order of discipline be amended.

On April 30, 2025, the Board issued an Order Vacating, In Part, and Affirming, In Part, the Panel's Findings of Misconduct and Affirming 30 Day Suspension with Conditions. In the order, the Board affirmed all of the panel's findings of misconduct, with the exception of the finding of neglect under MRPC 1.1(a), affirmed the imposition of a 30-day suspension of respondent's license to practice law, and affirmed all of the conditions imposed by the hearing panel in their entirety. The Board's order went into effect on May 29, 2025.

On May 16, 2025, the Grievance Administrator filed a Motion to Amend Order of Suspension with Conditions. Respondent did not file a response to the motion. In the motion to amend, the Grievance Administrator requests that the hearing panel amend the third condition set forth in the order to allow the Grievance Administrator to obtain information from LJAP to confirm whether respondent complies with the third condition.

The Grievance Administrator's motion proposes that the order be amended to include the following language in the third condition:

- a. Respondent shall provide the Attorney Grievance Commission with a copy of her LJAP assessment within 21 days of the assessment;
- b. If LJAP recommends and Respondent enters a plan with LJAP after her assessment, Respondent should provide or cause to be provided quarterly reports from LJAP to the Grievance Administrator or his designee for the duration of their agreement. The report should generally include a diagnosis, prognosis, and recommendation. All reports shall report whether positive progress is being made;
- c. If Respondent enters a plan with LJAP, Respondent shall sign all waivers necessary to allow LJAP to provide reports to the Attorney Grievance Commission as to Respondent's progress in the LJAP program and, if known to LJAP and its agents, any violations by Respondent of the Michigan Rules of Professional Conduct. The waivers shall be irrevocable for two years from the date Respondent signs or signed the LJAP monitoring contract. [Petitioner's Motion, pp 2-3.]

First, although the Grievance Administrator is seeking relief from the hearing panel at this time, we find that the hearing panel no longer retained jurisdiction to modify or amend their Order of Suspension with Conditions once respondent's petition for review was filed.

Pursuant to MCR 7.208(A), after a claim of appeal is filed or leave is granted, the trial court may not set aside or amend the judgment or order appealed from except:

- (1) by Order of the Court of Appeals,
- (2) by stipulation of the parties,
- (3) after a decision in the merits in an action in which a preliminary injunction was granted, or
- (4) as otherwise provided by law.

None of these circumstances are currently present in this matter. Further, MCR 7.208(C) does grant a trial court or tribunal the jurisdiction and authority to "properly perform, or correct any act in the trial court or tribunal that was omitted or insufficiently done," however, their jurisdiction to do so lasts only until "the record is filed in the Court of Appeals," and certainly does not extend to the time period after an appellate court has heard the matter and issued a decision.

Second, while we agree that the current language of the condition in issue fails to provide the Grievance Administrator with an effective mechanism to abide with the Administrator's duty of enforcement set forth in MCR 9.115(L), we note that the Grievance Administrator has had a number of earlier opportunities to raise this issue both before the hearing panel and the Board, but did not do so.

Furthermore, the Grievance Administrator's motion fails to cite to any rule, authority, or procedural mechanism for the relief now sought by the Administrator. It is not enough for the Administrator to simply assert an omission or error in the order of discipline and then leave it up to this Board to discover and rationalize the basis for his claims, and then search for authority either to sustain or reject his position. It may be the case that, given the language of the specific condition at issue, the Grievance Administrator may not be able to take effective steps to enforce it. However, that fact alone does not permit the Board to grant relief at this stage in the proceedings without a viable legal basis to do so.

The Board being otherwise fully advised,

NOW THEREFORE,

IT IS ORDERED that the Grievance Administrator's Motion to Amend Order of Suspension with Conditions is **DENIED, WITHOUT PREJUDICE**, for the reasons stated above.

ATTORNEY DISCIPLINE BOARD

By: /s/ Alan Gershel, Chairperson

Dated: June 18, 2025

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