STATE OF MICHIGAN

Attorney Discipline Board

Grievance Administrator,

Petitioner/Appellee,

v

Ali S. Zaidi, P 71435,

Respondent/Appellant,

Case No. 14-117-GA

Decided: January 11, 2017

Appearances:

Frances A. Rosinski, for the Grievance Administrator, Petitioner/Appellee
Ali S. Zaidi, In Pro Per, Respondent/Appellant

BOARD OPINION

Tri-County Hearing Panel #3 of the Attorney Discipline Board issued an order of disbarment in this matter on February 4, 2016. Respondent petitions for review, seeking either a new misconduct hearing or a decrease in the discipline imposed. The Attorney Discipline Board has conducted review proceedings in accordance with MCR 9.118. For the following reasons, the Board finds that the panel did not err in imposing an order of disbarment, and, therefore, the decision is affirmed.

This case arises out of respondent's numerous misrepresentations, including falsification of his resumé beginning prior to and continuing well after his admission to the practice of law in Michigan. The conduct for which discipline was sought, however, began after his admission to practice in Michigan in 2008. The complaint sets forth representations by respondent which include the assertion that he was on the U.S. Field Hockey Squad that participated in the 1996 Olympics in Atlanta.

The Grievance Administrator filed a three-count formal complaint against respondent in which it is alleged in that he committed various dishonest acts, including: failing to correct his resumé during his employment with one firm; submission of fraudulent resumés to a potential associate, a staffing consultant seeking to fill a position with another attorney, and the Bank of

Montreal (BOM); repeated failure to provide his correct address to the State Bar; misrepresentations in and related to respondent's website for Great Lakes Legal Group; and misrepresentations in his answer to the Request for Investigation.

Respondent filed an answer to the formal complaint, but pled "neither admit nor deny for lack of information and/or present knowledge, but leave Petitioner to its proofs" in response to many allegations that he would clearly have had the ability and information to either admit or deny. Respondent did admit, contrary to the information contained in his various resumés, that he was never licensed to practice law in either Connecticut or Missouri; he was never a summer associate in 2003 at the law firm of Carmody Torrance in Connecticut; he was never a summer associate in 2003 at the law firm of Gilmore & Bell, P.C. in Missouri; he was never a summer associate in 2003 at the law firm of Honigman Miller Schwartz and Cohn in Michigan; he was never awarded a Master of Liberal Arts from Harvard University; he was never a member of the 1996 U.S. Field Hockey Squad; and he never competed in the 1996 Olympics in Atlanta, Georgia. Respondent also admitted that, in November of 2009, he practiced as an attorney under his firm's name of Great Lakes Law Group ("GLLG") while further admitting that his response to the Request for Investigation stated he has not been able to launch GLLG as a working law firm and that it was just an "idea that is still in progress."

After seeking an adjournment, respondent did not appear for the hearing on misconduct, claiming later that he had an "emergency," which was actually his inability to secure child care. The Administrator's counsel called ten witnesses and offered numerous exhibits. Thereafter, the panel found for the petitioner on all counts, concluding that respondent failed to provide his correct address to the State Bar, as required by Rule 2 of the Rules Concerning the State Bar of Michigan; used a form of public communication that contains a material misrepresentation of fact or omits a fact necessary to make the statement considered as a whole not materially misleading, in violation of MRPC 7.1(a); violated or attempted to violate the Rules of Professional Conduct, contrary to MRPC 8.4(a); engaged in conduct involving dishonesty, fraud, deceit or misrepresentation or violation of the criminal law, where such conduct reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer, in violation of MRPC 8.4(b); engaged in conduct prejudicial to the administration of justice, in violation of MCR 9.104(1); exposed the legal profession or the courts to obloquy, contempt, censure or reproach, in violation of MCR 9.104(2); engaged in conduct that is contrary

to justice, ethics, honesty or good morals, in violation of MCR 9.104(3); violated the standards or rules of professional responsibility adopted by the Supreme Court, in violation of MCR 9.104(4); made knowing misrepresentations of facts or circumstances in his answer to the request for investigation, in violation of MCR 9.104(6); and made misrepresentations in his answer to the request for investigation, in violation of MCR 9.113(A).

Respondent did appear for the hearing on sanctions, and unfortunately continued with his inability to be candid and answer simple questions in a straightforward manner. During the hearing, respondent repeatedly attempted to contradict the findings in the report on misconduct to the extent that counsel for the Grievance Administrator asked that respondent be sworn as a witness because he was testifying. Respondent denied that he was testifying, and objected to taking the oath.

At the sanction hearing, respondent did not present any coherent reason or evidence for his conduct that could be viewed as mitigating, in part, he claimed, because he did not want to inconvenience his character witnesses. Furthermore, he failed to present any argument on what sanction would be appropriate.

The Administrator argued that the American Bar Association (ABA) Standards for Imposing Lawyer Sanctions supported disbarment, and focused on Standards 5.11(b)[1] and 7.1,[2] while referencing Standard 6.11[3] by analogy. After considering these standards, and the aggravating and mitigating factors, the panel ordered disbarment.

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[1] Standard 5.11 provides:

> Disbarment is generally appropriate when: . . . (b) a lawyer engages in any other intentional conduct involving dishonesty, fraud, deceit, or misrepresentation that seriously adversely reflects on the lawyer's fitness to practice.

[2] Standard 7.1 states:

> Disbarment is generally appropriate when a lawyer knowingly engages in conduct that is a violation of a duty owed as a professional with the intent to obtain a benefit for the lawyer or another, and causes serious or potentially serious injury to a client, the public, or the legal system.

[3] Standard 6.11 provides that:

> Disbarment is generally appropriate when a lawyer, with the intent to deceive the court, makes a false statement, submits a false document, or improperly withholds material information, and causes serious or potentially serious injury to a party, or causes a significant or potentially significant adverse effect on the legal proceeding.

Respondent petitioned the Attorney Discipline Board for review of the hearing panel's order, raising four issues: (1) did the hearing panel properly apply the standard in imposing discipline and was the correct standard used; (2) was the hearing panel's finding that Respondent displayed a pattern of misconduct correct; (3) was the hearing panel's finding that the Respondent did not cooperate with the investigation supported by the facts and evidence presented in this matter; and (4) does the discipline imposed fit the misconduct established in this matter. The Grievance Administrator's response narrows the issues down to just one: whether the hearing panel properly applied the ABA Standards in disbarring respondent.

I. Hearing Panel Rulings.

In reviewing a hearing panel decision, the Board must determine whether the panel's findings of fact have "proper evidentiary support on the whole record." *Grievance Administrator v August*, 438 Mich 296, 304 (1991). See also *Grievance Administrator v T Patrick Freydl*, 96-193-GA (ADB 1998). "This standard is akin to the clearly erroneous standard [appellate courts] use in reviewing a trial court's findings of fact in civil proceedings." *Grievance Administrator v Lopatin*, 462 Mich 248 n 12 (2000)(citing MCR 2.613(C)). Under the clearly erroneous standard, a reviewing court cannot reverse if the trial court's view of the evidence is plausible. *Thames v Thames*, 191 Mich App 299, 301-302 (1991), lv den 439 Mich 897 (1991). Additionally, although the Board reviews the record very closely and carefully, it does not "re-sift the evidence and weigh it anew." *Grievance Administrator v Wilson A. Copeland*, 09-48-GA (ADB 2011).

Respondent first takes issue with the fact that the misconduct hearing occurred in his absence, and he did not get to challenge the evidence presented by the Grievance Administrator. This argument is without merit because respondent has failed to provide an adequate reason for his absence. This is not a case where there was a lack of notice or an issue with the process. There is no doubt that respondent received notice of the hearing originally scheduled for January 15, 2015, or that he was aware the hearing date was subsequently adjourned until February 12, 2015. Counsel for the Grievance Administrator submitted evidence that respondent contacted her to stipulate to an adjournment of the February 12, 2015 hearing, because respondent was having a birthday party for his children. The Administrator's counsel declined to stipulate, because there were at least ten witnesses, including out-of-state witnesses from out-of-state law firms, that were scheduled to appear by phone or in person at the hearing – facts of which respondent was well aware. Thereafter, on February 11, 2015, respondent filed a motion to adjourn the hearing, this time citing the inability to

obtain child care.[4] There is nothing in the record to support respondent's claim that it was an error to conduct the misconduct hearing as scheduled.

Next, respondent takes issue with the panel's finding that he made misrepresentations in his response to a Request for Investigation regarding his Michigan employment, specifically with Great Lakes Law Group (GLLG). In his answer, respondent asserted that GLLG was never launched as a working firm, that it is merely "an idea that is still in progress," and that the GLLG website was designed for internal use only. Counsel for the Grievance Administrator presented evidence, however, that respondent had listed GLLG as his company name with the State Bar three separate times from 2009 through 2011. Three witnesses also testified that the GLLG website was a functioning website that each of them had accessed separately, and respondent had confirmed to each of them that GLLG was an operational firm. Therefore, respondent's answers to the Request for Investigation were directly contradicted by the evidence presented at the misconduct hearing. As such, the panel did not commit any error in finding violations of MCR 9.104 and 9.113, as well as MRPC 8.4.

II. Level of Discipline.

The standard of review for questions involving the level of discipline differs from the standard for reviewing factual determinations by a hearing panel. As we stated in *Grievance Administrator v David A. Woelkers*, 97-214-GA (ADB 1998), pp 6-7, lv den 602 NW2d 579 (1999), "the Board possesses, of necessity, a relatively high measure of discretion with regard to the appropriate level of discipline. . . to carry out what the Court has described as the Board's 'overview function of continuity and consistency in discipline imposed." In reviewing the sanctions imposed, we should "review and, if necessary, modify a hearing panel's decision as to the level of discipline" in light of the Board's "responsibility to ensure a level of uniformity and continuity'" in disciplinary matters. *Grievance Administrator v Brent S. Hunt*, 12-10-GA (ADB 2012), p 7, citing *Grievance Administrator v August*, 438 Mich 296, 304 (1991).

In accordance with the holding of *Grievance Administrator v Lopatin*, 462 Mich 235 (2000), the Board and its hearing panels follow the American Bar Association (ABA) Standards for Imposing Lawyer Sanctions in determining the appropriate level of discipline to impose when

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[4] In his brief in support of the petition for review, respondent again changes his story, claiming he was unable to attend the hearing because his daughter was recovering from a surgical procedure on her eye.

misconduct has been established. In applying the Standards, panels start by examining the factors set forth in ABA Standard 3.0 – the duty violated, the lawyer's mental state, and the injury caused – to help select applicable standards recommending generally appropriate discipline. The panel in this matter did so, and clearly accepted the Administrator's argument (as summarized in the panel's report on sanctions, at page 3), that: "respondent knowingly and intentionally deceived just about everybody and every entity that he communicated with. As such, injury to the legal profession is self evident. There was also injury to the law firms that hired him based on his false representations." Given these findings, disbarment is the generally appropriate discipline under Standard 5.11, as well as Standard 7.1.

As a member of the State Bar, respondent had a duty to honestly represent himself and his qualifications to potential clients and employers. He clearly failed, admitting that much of the information included on his resumés was false. Respondent knowingly and intentionally made multiple misrepresentations regarding his law licenses, work history, and education, in order to obtain employment with various law firms and businesses.

Furthermore, during the same period that respondent was falsifying his resumés, he managed a website which falsely represented that his firm, GLLG, was associated with a number of attorneys at multiple locations around the country. Evidence was presented that established respondent held his firm out as an operational, reputable firm that was taking on new clients, and that the GLLG website had been up and running and was easily accessible by the public. Despite this, respondent represented to the Grievance Administrator that his firm was just an "idea," and the website had never been launched. Such evidence further establishes respondent's cumulative pattern of dishonesty which seriously and adversely reflects on his fitness to practice law.

The panel also considered aggravating and mitigating factors under ABA Standards 9.22 and 9.32, which could alter the presumptive level of discipline. Here, the panel considered the following aggravating factors: (1) a dishonest, selfish motive; (2) pattern of wrongful conduct; (3) multiple offenses; (4) lack of cooperation in the disciplinary process; (5) refusal to acknowledge wrongdoing; and, perhaps, substantial experience in the law, since he has been licensed since 2008. As to mitigation, the panel considered the respondent's lack of disciplinary history. Respondent failed to set forth any evidence of mitigation, claiming only that he did not want to inconvenience any witnesses and that it was a personal matter he did not want to discuss. Likewise, respondent failed to indicate what he believed to be the appropriate sanction – although now, respondent seeks a decrease in the discipline imposed to a suspension.

The oral argument presented by respondent at the review hearing was as uninformative as his presentation to the hearing panel at the hearing on discipline, and it leaves us with the same impression of respondent and the same concerns about his lack of insight and utter inability to recognize the nature and gravity of his misconduct.

Respondent did not misspeak, commit scrivener's errors, or even simply "fudge the truth" once or twice. Rather, his misrepresentations run the gamut from outlandish and extravagant to what might be termed modifications of his record inspired by some actual events. For example, to cover up certain things, he extended the term of employment or invented a few fictional "summer associate" positions at firms he worked for at other times. He also claimed he was admitted to practice law in Connecticut and Missouri when he was not, although he was employed by firms in those states for a short time.

Another example of needlessly stretching the truth to the point of falsification would be respondent's assertion in one resume that he was awarded a Master of Liberal Arts degree from Harvard University. The reality, he claims in his brief on review, is that:

> Respondent went well over the credit requirement to receive the ALM degree from Harvard, [sic] he also went over the thesis requirement and ended up publishing what was to be his thesis as a book. Due to page restrictions and rules regarding published works, Respondent's book could not be used as a thesis and that prevented him from receiving the ALM degree which the Respondent can receive by retaking the thesis course at Harvard and submitting a thesis.[5]

Apparently, respondent points this out to suggest that the truth is close enough to his representation that we should consider reducing the sanction imposed by the hearing panel.

It is interesting to note that the parts of respondent's resumé that have not been proven false in these proceedings are quite impressive.[6] However, whatever the truth may be, the doctored

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[5] Brief Supporting Petition For Review, p 8.

[6] In addition to making it through the hiring process at some prominent firms, respondent apparently earned a University of Texas undergraduate degree in History, *magna cum laude* (although his minors vary by resumé and include zoology, chemistry, biology and mathematics, and additional majors include marketing and economics, depending on the resumé); a Juris Doctor from Syracuse University College of Law, *cum laude*; and an L.L.M. in taxation from Washington University. However, it is difficult to ascertain what is true on the resumés admitted as exhibits in this case. For example, one resumé reflects a legal internship with the Chief Justice of the Missouri Supreme Court, claiming that respondent assisted "in managing all phases of litigation, including motion practice, discovery issues, settlement conferences, jury selection, and conduct of trials." This is questionable, because the Missouri Supreme Court is the highest *appellate* court in that state. Also, his undergraduate grade point average increased from 3.57 to 3.81, depending on the resumé.

versions are more impressive, as respondent explained in his colloquy with the panel at the sanctions hearing:

> So there's no question that I made misrepresentations on my resumé. I was not a summer associate where I listed where I was a summer associate at. And the reason for that was, to be quite frank, there's no good reason for it. I understand that was wrongdoing on my part. And I need to be sanctioned for that, which is why I'm here. But at the same time, I just want to draw attention to the fact as to what I did incorrect or what I did wrong or what my wrongdoing specifically was. I wanted to create an impression because of personal circumstances of what had gone on. . . . What I was trying to accomplish was that I was scared nobody would hire me if they realized why I was moving around so much. And I wanted to create this impression of longevity and create this impression of consistency of my movements. [Tr 11-2-2015, p 13, 16.]

But these partial admissions to some of the more glaring and impossible-to-deny falsehoods in this record do not amount to contrition or acknowledgment of wrongdoing, and certainly do not warrant a reduction in discipline. While the foregoing may have been the closest respondent could come to candor, most of the interactions with him went like this colloquy with a panel member at the sanctions hearing:

> MS. LICHTERMAN: Where do you live now?
>
> MR. ZAIDI: I currently – my – to establish clarity on that, this has been a source of some issues and concerns, I will be in Texas. My whole goal after my tenure ended in Michigan is –
>
> MS. LICHTERMAN: See, it's not a trick question. Where do you live now?
>
> MR. ZAIDI: I have a place. It's not a simple answer. I'm trying to explain to you and give you that answer as well. Texas was a goal, which is why I always put Texas. She mentioned my current address is in New York. And even when I called [the State Bar of Michigan] and I updated my – I let her know that Texas – that address in Addison, Texas is still the best address for me.
>
> MS. LICHTERMAN: Who lives there?
>
> MR. ZAIDI: It's my family business. And the reason – and part of the reason – let me explain to you why –

MS. LICHTERMAN: So it's not even a home? It's a business address?

MR. ZAIDI: Yes, it's a business address.

MS. SUSSER: What is your family business.

MR. ZAIDI: My Dad owns some restaurants.

MS. SUSSER: So you gave the address of the restaurant in Texas?

MR. ZAIDI: No, it's not a restaurant. It's basically his office where he operates and there are other offices there. It's just basically a big office building. And that's where –

MS. LICHTERMAN: When did you come to Michigan for this hearing?

MR. ZAIDI: I came this morning.

MS. LICHTERMAN: Where did you fly from?

MR. ZAIDI: I didn't fly. I drove.

MS. LICHTERMAN: Where did you drive from?

MR. ZAIDI: I drove from Toronto.

MS. LICHTERMAN: What are you doing in Toronto?

MR. ZAIDI: Well, my wife lives in Toronto. And I live in Toronto for the most part, but I travel routinely to Lewiston where I'm trying to establish some business there.

MS. LICHTERMAN: Where's Lewiston?

MR. ZAIDI: It's in New York. [Tr 11/2/15, pp 35-37.]

After a careful review of the entire record, we agree with the hearing panel's assessment, as expressed in the panel chairperson's statement at the sanctions hearing:

MR. LIZZA: . . . I've been practicing for 62 years, I'm proud of my profession. I take this panel obligation very seriously and have for a good number of years. And I don't want dishonest, deceitful,

> lying, conniving lawyers in my profession. I'll tell you that right out. And you haven't really – you haven't really given me anything – any reasons why I shouldn't put you in that category of a dishonest, deceitful, conniving . . . . Very frankly, I'm annoyed at your lack of response. I'm annoyed at the fact that you really didn't acknowledge what you've done. You've misrepresented yourself all over the place. I don't know why you think you can get away with this kind of conduct . . . .
>
> And I'm going to tell you something else while I'm telling you, you have seven years of college. You're supposed to have some brains. You have the privilege of a law license from the state of Michigan. You have the privilege of belonging to one of the oldest professions. Okay? And you – from what I've seen, you don't appreciate that. You haven't given that the kind of appreciation and concern that I think it deserves. [Tr 11/2/2015, pp 32-33.]

In light of the evidence presented, the ABA Standards and the findings of the panel with regard to their elements, as well as the aggravating and mitigating factors that were asserted, we conclude that disbarment is the appropriate sanction in this matter. Collectively, Mr. Zaidi's actions are indicative of a cumulative pattern of a lack of honesty and candor, which is contrary to the fundamental characteristics of an attorney. Although respondent does not have any prior discipline, there is no question he has an established track record of deceit. Given the number and pattern of violations, respondent's dishonesty, and his overall lack of candor and cooperation, the panel properly found that disbarment is appropriate in this case.

Board members Louann Van Der Wiele, Dulce M. Fuller, Rosalind E. Griffin, M.D., Rev. Michael Murray, James A. Fink, and Barbara Williams Forney concur in this decision.

Board members Lawrence G. Campbell, John W. Inhulsen, and Jonathan E. Lauderbach were absent and did not participate.