

State of Michigan  
Attorney Discipline Board

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ATTORNEY DISCIPLINE BOARD  
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In the Matter of the Reinstatement  
Petition of Michael Skladd, P36705,

ADB Case No. 15-149-RP

Petitioner.

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**Notice of Hearing on Petition for Reinstatement**

Notice is given that Michael Skladd (P36705) has filed a petition for reinstatement in the Supreme Court of the State of Michigan and with the Attorney Grievance Commission seeking reinstatement as a member of the Bar of this state and restoration of his license to practice law.

Petitioner's initial suspension arose out of his failure to adhere to a consent order of discipline in accordance with MCR 9.115 (F)(5), which was approved by the Attorney Grievance Commission and accepted by the hearing panel effective December 22, 2004, in *Grievance Administrator v Skladd*, ADB Case Nos. 04-43-GA.

Petitioner pleaded no contest to allegations that, in a criminal matter, he accepted the representation of a client in a jurisdiction to which he was not admitted; and failed to take appropriate steps to become admitted to the jurisdiction in which the criminal action was pending. Additionally, Petitioner pled no contest to allegations that, in three separate matters, he failed to keep his clients reasonably informed about the status of their matters;

and failed to comply promptly with reasonable requests for information in violation of MCR 9.104(A)(1) and (4); and MRPC 1.4(a); 5.5; and 8.4(a) and (c).

Based upon the stipulation of the parties, the hearing panel issued a notice of reprimand, two year probation and restitution in the aggregate amount of \$9,000.00, with conditions relative to the alleged misconduct, effective December 22, 2004. Costs were assessed in the amount of \$1,124.93.

Petitioner failed to pay costs associated with *Grievance Administrator v Michael Skladd*, Case No. 04-43-GA as ordered. In accordance with MCR 9.128(D), Petitioner's license to practice law in Michigan was automatically suspended on July 26, 2005. Petitioner then paid the past due costs on November 27, 2005, but because he was not in compliance with MCR 9.119 and MCR 9.123(A), his suspension from the practice of law remained in effect.

The Grievance Administrator filed a petition on May 1, 2006, seeking entry of an order increasing Petitioner's discipline for his failure to comply with the hearing panel's order of December 22, 2004, and a subsequent order issued June 10, 2005, modifying Petitioner's discipline. *Grievance Administrator v Skladd*, ADB Case No. 05-41-MZ.

Pursuant to the prior order and the stipulation between the parties, Petitioner was to make restitution payments and file written proof of payment of restitution with the Attorney Grievance Commission and the Attorney Discipline Board. Petitioner failed to fully comply with monthly restitution payments and he was not in compliance with conditions. On March 7, 2007, the hearing panel ordered that Petitioner's license to practice law be suspended for 179 days, retroactive to July 21, 2006, the date of the first hearing in this matter. The

panel also ordered that Petitioner's eligibility to file an affidavit for automatic reinstatement would be conditioned upon his compliance with MCR 9.128(E) and his filing of written proof with the Attorney Grievance Commission and the Attorney Discipline Board that he has made full restitution as previously ordered.

On January 9, 2009, another Formal Complaint, *Grievance Administrator v Michael Skladd* ADB Case No. 09-2-GA, was filed against Petitioner. Petitioner and the Grievance Administrator filed a stipulation for consent order of discipline in accordance with MCR 9.115(F)(5), which was approved by the Attorney Grievance Commission and accepted by the hearing panel. Petitioner pleaded no contest to allegations that he neglected two legal matters; failed to seek the lawful objectives of his clients through reasonably available means; failed to act with reasonable diligence and promptness in representing his clients; and failed to refund the unearned portion of the retainers upon termination of the representation. Petitioner also pled no contest to practicing law while suspended; appearing as an attorney before the Worker's Compensation Board of Magistrates and the 41-B District Court; holding himself out as an attorney while suspended; and failing to file answers to two requests for investigation served upon him by the Grievance Administrator. Petitioner was charged with violations of MCR 9.104(A)(1)-(4) and (7); 9.113(A) and (B)(2); 9.119(E)(1)-(3); and Michigan Rules of Professional Conduct 1.1(c); 1.2(a); 1.3; 1.16(d); 5.5(a); and 8.4(a)-(c). The parties agreed that Petitioner should be suspended for four years, retroactive to July 26, 2005, and pay restitution in the aggregate amount of \$3,000.00.

Pursuant to MCR 9.123 (B) and in the interest of maintaining the high standards imposed upon the legal profession as conditions for the privilege of practicing law in this state, and of protecting the public, the judiciary and the legal profession against conduct contrary to such standards, Petitioner is required to establish the following by clear and convincing evidence:

1. He desires in good faith to be restored to the privilege to practice law in this state;

2. The term of the suspension ordered has elapsed or five years have elapsed since disbarment or resignation;

3. He has not practiced or attempted to practice law contrary to the requirement of his suspension or disbarment;

4. He has complied fully with the terms of the order of discipline;

5. His conduct since the discipline has been exemplary and above reproach;

6. He has a proper understanding of and attitude towards the standards that are imposed on members of the Bar and will conduct himself in conformity with such standards;

7. Taking into account all of the attorney's past conduct, including the nature of the misconduct that led to the disbarment or suspension, he nevertheless can safely be recommended to the public, the courts and the legal profession as a person fit to be consulted by others and to represent them and otherwise act in matters of trust and confidence, and in general to aid in the administration of justice as a member of the Bar and as an officer of the court;

8. That he has reimbursed or has agreed to reimburse the Client Protection Fund any money paid from the fund as a result of his conduct. Failure to fully reimburse as agreed is grounds for disbarment of a reinstatement, and,

9. That if he has been suspended for three years or more, he has been recertified by the Board of Law Examiners.

A hearing is scheduled for Monday, March 14, 2016, commencing at 9:30 a.m. at the Macomb Video Conference Center, 48 S. Main, Lower Level, Mt. Clemens, MI 48043, (313) 567-8100.

Any interested person may appear at such hearing and be heard in support of or in opposition to the petition for reinstatement. Any person having information bearing on the petitioner's eligibility for reinstatement should contact:

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(313) 961-6585

Dated: January 5, 2016

  
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