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**NOTICE OF DISBARMENT AND RESTITUTION WITH CONDITION**

Case No. 21-63-GA

**Notice Issued: August 11, 2022**

Stephen LaCommare, P 52718, Howell, Michigan, by the Attorney Discipline Board Ingham County Hearing Panel #6

Disbarment, Effective November 16, 2021<sup>1</sup>

After proceedings conducted pursuant to MCR 9.115, the panel found, by default, that respondent committed professional misconduct, as charged in a six-count formal complaint, in his representation of four separate clients in their various legal matters; misused his IOLTA account; failed to timely answer one request for investigation and completely failed to answer two additional requests for investigation.

Based on respondent's default, and the evidence presented at the hearing, the panel found that respondent, with respect to Counts One through Four, neglected legal matters, in violation of MRPC 1.1(c); failed to act with reasonable diligence and promptness in representing clients, in violation of MRPC 1.3; 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 MRPC 1.4(a); failed to take reasonable steps to protect his clients' interests upon termination of representation, including a failure to refund any advance payment of fees that had not been earned, in violation of MRPC 1.16(d) (only as to Counts One, Two and Four); and engaged in conduct that involved dishonesty, fraud, deceit, misrepresentation, or violation of the criminal law, where such conduct reflected adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer, in violation of MRPC 8.4(b) (only as to Count Three).

With regard to Count Five, the panel found that respondent commingled and misappropriated client funds, in violation of MRPC 1.15(b)(3) and MPRC 1.15(d); failed to safeguard client funds in an IOLTA, in violation of MRPC 1.15(d); and misused his IOLTA by paying personal expenses from it, in violation of MRPC 1.15(d) and (f).

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<sup>1</sup> Respondent has been continuously suspended from the practice of law in Michigan since November 16, 2021. Please see Notice of Interim Suspension Pursuant to MCR 9.115(H)(1), issued November 17, 2021.

With regard to Count Six, the panel found that respondent knowingly failed to respond to a lawful demand for information from a disciplinary authority, in violation of MRPC 8.1(a)(2); failed to answer a request for investigation in conformity with MCR 9.113(A)-(B)(2), in violation of MCR 9.104(7) and MRPC 8.1(a)(2); and engaged in conduct that violated the Michigan Rules of Professional Conduct, in violation of MCR 9.104(4).

Additionally, as charged in the entire complaint, the panel found that respondent engaged in conduct that was prejudicial to the proper administration of justice, in violation of MCR 9.104(1); engaged in conduct that exposed the legal profession or the courts to obloquy, contempt, censure, or reproach, in violation of MCR 9.104(2); and engaged in conduct that was contrary to justice, ethics, honesty, or good morals, in violation of MCR 9.104(3).

The panel ordered that respondent's license to practice law be suspended for a period of two years, effective November 16, 2021, the date respondent's interim suspension under MCR 9.115(H)(1) went into effect, that he pay restitution in the total amount of \$4,250.00, and that he be subject to a condition relevant to the established misconduct.

The Grievance Administrator filed a timely petition for review. After conducting review proceedings in accordance with MCR 9.118, the Board issued an order increasing discipline from a two-year suspension to disbarment and affirmed the order of restitution and the condition imposed by the hearing panel. Costs were assessed in the amount of \$2,359.95.