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NOTICE OF SUSPENSION AND RESTITUTION
(By Consent)

Case No. 22-2-GA

Notice Issued: November 30, 2022

William Otis Culpepper, P 23520, Detroit, Michigan, by the Attorney Discipline Board Tri-County Hearing Panel #18

Suspension - 30 Days, Effective December 14, 2022

Respondent 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. The stipulation contained respondent's admissions to the factual allegations and plea of no contest that he engaged in professional misconduct during his representation of a client in a criminal matter, as set forth in the Administrator's amended formal complaint.

Specifically, respondent admitted that he entered into a retainer agreement with a mother, to represent her son in his pending criminal matter. Although the retainer agreement specifically stated that a portion of the fee was non-refundable, it contained a provision that stated that in the event his representation was terminated, respondent was only allowed to keep fees that were actually earned and costs actually paid. When respondent received the entire requested fee, he failed to deposit the unearned portion into an IOLTA account. Instead, he deposited the entire amount into his business operating account. Thereafter, respondent failed to provide a requested invoice and refund of unearned fees to his client's mother, and, in response to a request for investigation filed by his client's mother, respondent provided a fee breakdown that was not kept contemporaneously and contained inaccurate dates of worked performed.

Based upon respondent's admissions, plea, and the stipulation of the parties, the panel found that respondent failed to act with reasonable diligence and promptness in representing a client, in violation of MRPC 1.3; failed to keep a client reasonably informed about the status of a matter, in violation of MRPC 1.4(a); failed to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation, in violation of MRPC 1.4(b); failed to communicate the basis or rate of his fee before or within a reasonable time after commencing the representation, in violation of MRPC 1.5(b); failed to hold property of clients or third persons in connection with a representation separate from the lawyer's own property, in violation of MRPC 1.15(d); and failed to take reasonable steps to protect a client's interests upon

termination of representation, including surrendering property to which the client is entitled and refunding any advance payment of a fee that has not been earned, in violation of MRPC 1.16(d). The panel also found that respondent violated MCR 9.104(1)-(4); and MRPC 8.4(a) and (c).

In accordance with the stipulation of the parties, the hearing panel ordered that respondent's license to practice law in Michigan be suspended for 30 days, effective November 29, 2022, and that he pay restitution in the total amount of \$10,000.00 within 90 days of the date of the order of discipline. Costs were assessed in the amount of \$750.00.

Prior to the November 29, 2022 effective date, respondent filed a motion to modify the effective date of his suspension to December 14, 2022. On November 23, 2022, the panel entered an order granting respondent's motion.