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NOTICE OF SUSPENSION

Case No. 22-1-GA

Notice Issued: December 21, 2022

L. David Bush, P 51870, Berkley, Michigan, by the Attorney Discipline Board affirming Tri-County Hearing Panel #66's Order Denying Motion to Set Aside the Default and Order of Two-Year Suspension

Suspension - 2 Years, Effective July 14, 2022¹

After proceedings conducted pursuant to MCR 9.115, the panel found, by default,² that respondent committed professional misconduct during his representation of clients in two separate medical malpractice actions (Counts I and II), and appeared for closing arguments in *In re Bourbeau Minors*, Oakland County Circuit Court Case No. 2015-832568-NA, at a time when his license to practice law was suspended (Count III). Respondent was also alleged to have failed to answer or respond in any way to four separate requests for investigation (Count IV).

Based on respondent's default, and the evidence presented at the hearing, the panel found that as to Count I, respondent neglected a legal matter entrusted to him, in violation of MRPC 1.1(c); 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 a matter and comply promptly with reasonable requests for information, 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 take reasonable steps to protect a client's interests upon the termination of a representation, in violation of MRPC 1.16(d); knowingly made a false statement of material fact or law to a tribunal, in violation of MRPC 3.3(a)(1); knowingly made a false statement of material fact or law to a third person, in violation of MRPC 4.1; engaged in the unauthorized practice of law, in violation of MRPC 5.5(a); engaged in conduct that involved dishonesty, fraud, deceit, misrepresentation, where such conduct reflected adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer, in violation of MRPC 8.4(b); engaged in conduct that was prejudicial to the administration of justice, in violation of MRPC 8.4(c) and MCR 9.104(1); engaged in conduct that exposed the legal profession or

¹ Respondent has been continuously suspended from the practice of law in Michigan since February 12, 2020, as a result of his failure to pay bar dues to the State Bar of Michigan. Respondent's license to practice law was also suspended for a period of one year in *Grievance Administrator v L. David Bush*, 20-40-GA, effective November 18, 2020.

² After the record was closed and the panel was preparing its report, respondent filed two belated Motions to Set Aside the Default and an Addendum, which were all denied by the hearing panel in an Order Denying Respondent's Motion to Set Aside Default entered on May 17, 2022.

the courts to obloquy, contempt, censure, or reproach, in violation of MCR 9.104(2); engaged in conduct that was contrary to justice, ethics, honesty, or good morals, in violation of MCR 9.104(3); and engaged in conduct that violated the standards or rules of professional conduct adopted by the Michigan Supreme Court, in violation of MRPC 8.4(a) and MCR 9.104(4).

As to Count II, the panel found that respondent neglected a legal matter entrusted to him, in violation of MRPC 1.1(c); 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 a matter and comply promptly with reasonable requests for information, 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 take reasonable steps to protect a client's interests upon the termination of a representation, in violation of MRPC 1.16(d); engaged in conduct that involved dishonesty, fraud, deceit, misrepresentation, where such conduct reflected adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer, in violation of MRPC 8.4(b); engaged in conduct that exposed the legal profession or the courts to obloquy, contempt, censure, or reproach, in violation of MCR 9.104(2); engaged in conduct that was contrary to justice, ethics, honesty, or good morals, in violation of MCR 9.104(3); and engaged in conduct that violated the standards or rules of professional conduct adopted by the Michigan Supreme Court, in violation of MRPC 8.4(a) and MCR 9.104(4).

As to Count III, the panel found that respondent engaged in the unauthorized practice of law, in violation of MRPC 5.5(a); engaged in conduct that involved dishonesty, fraud, deceit, misrepresentation, where such conduct reflected adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer, in violation of MRPC 8.4(b); engaged in conduct that was prejudicial to the administration of justice, in violation of MRPC 8.4(c) and 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); engaged in conduct that was contrary to justice, ethics, honesty, or good morals, in violation of MCR 9.104(3); engaged in conduct that violated the standards or rules of professional conduct adopted by the Michigan Supreme Court, in violation of MRPC 8.4(a) and MCR 9.104(4); failed to notify clients and courts of his suspension, in violation of MCR 9.119(A) and (B); failed to file a proof of compliance for his suspension, in violation of MCR 9.119(C); and failed to cease practicing law after the effective date of his suspension, in violation of MCR 9.119(E)(1)-(4).

As to Count IV, the panel found that respondent failed to answer requests for investigation, in violation of MCR 9.104(7), 9.113(A), and 9.113(B)(2); knowingly failed to respond to a disciplinary authority's request for information, in violation of MRPC 8.1(a)(2); engaged in conduct that exposed the legal profession or the courts to obloquy, contempt, censure, or reproach, in violation of MCR 9.104(2); engaged in conduct that was contrary to justice, ethics, honesty, or good morals, in violation of MCR 9.104(3); and engaged in conduct that violated the standards or rules of professional conduct adopted by the Michigan Supreme Court, in violation of MRPC 8.4(a) and MCR 9.104(4).

The panel ordered that respondent's license to practice law be suspended for a period of two years. Respondent filed a timely petition for review in accordance with MCR 9.118, arguing that the hearing panel abused its discretion in failing to grant his motion to set aside the default and requesting that the Board set aside his default and remand to the hearing panel for a hearing on the merits.

The Attorney Discipline Board conducted review proceedings in accordance with MCR 9.118 on October 19, 2022, which included a review of the evidentiary record before the panel and consideration of the briefs and arguments presented by the parties. On November 22, 2022, the Board issued an order affirming the hearing panel's order denying respondent's motion to set aside default and order of suspension. Total costs were assessed in the amount of \$2,137.47.