

STATE OF MICHIGAN

Attorney Discipline Board

FILED
ATTORNEY DISCIPLINE BOARD

2024-Aug-27

GRIEVANCE ADMINISTRATOR,
Attorney Grievance Commission,

Petitioner,

v

Case No. 22-24-GA

STEPHANIE A. CARSON, P 57096,

Respondent.

**ORDER DENYING OBJECTION TO REINSTATEMENT AND REQUEST FOR
ASSIGNMENT TO A HEARING PANEL AND ORDER OF
REINSTATEMENT PURSUANT TO MCR 9.123(A)**

Issued by Attorney Discipline Board
333 W. Fort St., Detroit, Michigan 48226

On September 19, 2023, Tri-County Hearing Panel #2 issued an order suspending respondent's license to practice law in Michigan for a period of 180 days, effective October 11, 2023, with a condition that requires her to attend the State Bar of Michigan's seminar titled "Tips and Tools for Successful Practice." Respondent filed a timely petition for review and for a stay of the effective date of the hearing panel's order of suspension with condition, which was granted by the Board on October 31, 2023. After review proceedings were conducted, on May 8, 2024, the Attorney Discipline Board entered an opinion and order reducing the discipline imposed by the hearing panel from a 180-day suspension to a 60-day suspension, effective June 6, 2024, and affirming the condition imposed by the panel.

On August 5, 2024, respondent filed an affidavit pursuant to MCR 9.123(A), attesting that she complied with all requirements of the panel's order and will continue to comply with the order until and unless reinstated. Specifically, respondent's affidavit advised that she had paid all costs assessed in full, that she had submitted her 9.119(C) affidavit within 14 days of the effective date of the order of suspension with condition, and that she registered for the October 29, 2024 Tips and Tools webinar offered by the State Bar. Paragraphs 10 and 11 of respondent's affidavit stated:

10. I substantially complied with the Order of Suspension and MCR 9.119(B), by communicating my disqualification from the practice of law, on or before the effective date of the Order. However, I submitted the necessary motion(s) to withdraw eleven days late. I did notify the tribunals as well as the AGC that I filed late.
11. I complied with the Order of Suspension and MCR 9.119(A), by notifying my active clients in writing by registered, certified mail, consistent with the Order.

MCR 9.123(A) provides that, “[w]ithin 7 days after the filing of the affidavit, the administrator may file with the board and serve on the attorney an objection to reinstatement based on the attorney’s failure to demonstrate compliance with the suspension order.” Eight days after respondent’s affidavit was filed, on August 13, 2024, the Grievance Administrator filed an objection to respondent’s reinstatement “because she has failed to comply with the order of discipline,” by filing the required motions to withdraw from her active cases eleven days late. Despite the untimeliness of the objection, and because the Administrator argues that the Board was otherwise apprised of a basis to conclude that respondent failed to comply with the suspension order, the Administrator insists that this matter must now be assigned to a hearing panel to determine whether respondent has complied with the suspension order.

On August 14, 2024, respondent filed a response and argues that the Administrator’s objection “is not properly before this body as it was filed outside of the time limits set forth in MCR 9.123. . .” Respondent further notes that the Administrator’s counsel gives the same reason for her late filing as respondent did - a missed deadline with no valid explanation. Respondent maintains that her filing error did not harm any of her clients, who were timely notified of her suspension, or the administration of justice. Respondent insists that she substantially complied with her order of discipline and should be reinstated.

As MCR 9.123(A) states, the Grievance Administrator can file an objection, *within 7 days after the filing of the affidavit*, based on the attorney’s failure to demonstrate compliance with the suspension order. It is undisputed that the Administrator’s objection was not filed within the deadline set forth in the rule. Ignoring the fact that the Administrator’s objection was filed late, as the Administrator asks us to do, then it is argued that an order of reinstatement can only be issued if the objection is withdrawn or a hearing panel makes a determination that the attorney has complied with the suspension order.

On June 19, 2024, respondent filed her 9.119(C) affidavit of compliance which indicated, in relevant part, that she sent letters notifying all of her active clients of her suspension on May 15, 2024. She further advised that “although I failed to timely file my Motion(s) To Withdraw to each tribunal by June 6, 2024, I did file them all on June 17, 2024.”¹ The Administrator does not dispute that the motions to withdraw were filed eleven days late. Further, respondent cannot cure the late filing of these motions. They were filed late and nothing will change that fact. But, they were filed - thus the tribunals and parties were notified of respondent’s suspension - and there is no evidence that any prejudice or harm resulted from the late filing.² More importantly, respondent’s clients were timely notified of her suspension. Thus, by the time respondent filed her 9.119(C) affidavit on June 19, 2024, she was in full compliance with her suspension order.

¹ Copies of the letters to the clients and the motions were attached to respondent’s affidavit. Respondent filed a total of 12 motions; nine were filed in matters pending in the Wayne County Circuit Court and three were filed in matters pending in the 36th District Court. The motions all stated that respondent had advised her client of her suspension via certified mail on May 15, 2024, and that her “Motion to Withdraw should have been filed on or before June 6, 2024. The Attorney Grievance Commission will be notified of the delay.”

² The Administrator argues that “respondent’s late filing of motions to withdraw affected both her clients’ cases and the administration of justice,” but then concedes that “respondent’s late notice certainly had the potential to harm her client’s interests and disrupt court proceedings.” Given that respondent’s MCR 9.119(C) affidavit filed back on June 19, 2024, disclosed that her motions to withdraw were filed eleven days late, the Administrator had time to investigate whether any of respondent’s clients or their cases were in fact harmed. Either no evidence of any actual harm was uncovered, or no further investigation was done and the Administrator is merely speculating that harm occurred.

We find that the Administrator's objection is filed outside of the required time frame set forth in MCR 9.123(A). Furthermore, and regardless of the timeliness of the Administrator's objection, the Board has not been apprised of a basis to conclude that respondent's admitted tardiness in notifying the tribunals and parties of her suspension, is a basis to impede her reinstatement in this matter, nor are there any disputed facts to resolve. As a result, it is not necessary to assign this matter to a hearing panel to determine whether respondent is in compliance with the suspension order.

The Board being otherwise advised;

NOW THEREFORE,

IT IS ORDERED that the Grievance Administrator's objection to respondent's reinstatement and request to assign this matter to a hearing panel are **DENIED**.

IT IS FURTHER ORDERED that respondent's license to practice law in Michigan is **REINSTATED**, effective **August 27, 2024**.

ATTORNEY DISCIPLINE BOARD

Dated: August 27, 2024

By: 
Alan Gershel, Chairperson

Board members Alan Gershel, Peter A. Smit, Rev. Dr. Louis J. Prues, Linda M. Orlans, Jason M. Turkish, Andreas Sidiropoulos, MD, Katie Stanley, and Tish Vincent concur in this decision.

Board member Kamilia Landrum did not participate.