

STATE OF MICHIGAN

Attorney Discipline Board

GRIEVANCE ADMINISTRATOR,
Attorney Grievance Commission,

Petitioner/Appellee,

v

Case No. 11-119-GA

GBENGA ANJORIN, PL 1047,

Respondent/Appellant.

FILED
ATTORNEY DISCIPLINE BOARD
12 MAY 23 PM 1:30

ORDER AFFIRMING HEARING PANEL ORDER OF REVOCATION

Issued by the Attorney Discipline Board
211 W. Fort St., Ste. 1410, Detroit, MI

Respondent, Gbenga Anjorin, PL 1047 (formerly P 71514), was admitted as a special legal consultant in Michigan in 2008 pursuant to Rule 5(E) of the Rules for the Board of Law Examiners. An individual who is qualified for admission without examination under that rule is limited to rendering professional legal advice on the law of the foreign country where the individual is admitted to practice. In this case, that country is Nigeria. It is undisputed that respondent was not the holder of any other license recognized under the Supreme Court's Rules for the Board of Law Examiners which would allow him to engage in the unrestricted practice of law in this state.

The formal complaint filed by the Grievance Administrator on October 13, 2011, was assigned to Tri-County Hearing Panel #16 of the Attorney Discipline Board for proceedings in accordance with MCR 9.115. On February 17, 2012, the hearing panel entered an "Order of Disbarment and Revocation of Certificate of Special Legal Consultant." (Hearing Panel Order attached as Appendix A.) In the accompanying report, the hearing panel outlined its findings and conclusions that respondent's appearance as attorney for the plaintiff in a negligence and breach of contract action in the Wayne County Circuit Court entitled *Anumba and Fasiri v Central States Trucking Company*, Case No. 09-009595-CB, constituted the unauthorized practice of law beyond the scope of his status as a special legal consultant. (Hearing Panel Report attached as Appendix B.) Upon application of the American Bar Association Standards for Imposing Lawyer Sanctions, the panel concluded that respondent's certification as a special legal consultant and his membership in the State Bar of Michigan should be revoked.

Respondent petitioned the Attorney Discipline Board for review of the panel's order and the Board has conducted review proceedings in accordance with MCR 9.118, including review of the whole record before the panel and consideration of the briefs and arguments presented by the parties at a public hearing conducted on May 9, 2012.

Respondent's arguments on review, taken singly or in the aggregate, are without merit. In particular, there is ample evidentiary support in the whole record for the hearing panel's factual findings that respondent's conduct far exceeded the restrictions of his certificate as a special legal

consultant. As discussed in the hearing panel's well reasoned report, respondent's unauthorized practice of law was not limited to the matter which is the subject of the formal complaint, but extended to his website offer for legal services in such areas as traffic offenses, drunk driving (DUI), criminal defense, divorce, child custody, immigration and negligence cases. At the hearing, respondent freely admitted to the panel: "Well, [I] clearly made an admission on that part, my DUI practice is unauthorized, but unfortunately it's probably what I know how to do best in the State of Michigan. [Tr 12/08/11, 93.]

It was the hearing panel's unanimous conclusion that both respondent Anjorin's certification as a "special legal consultant" and his resulting membership in the State Bar of Michigan should be revoked. On review, we conclude that the hearing panel's decision was clearly warranted under the circumstances presented in this case.

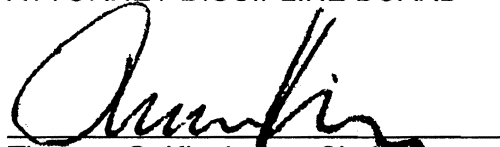
NOW THEREFORE,

IT IS ORDERED that the February 17, 2012 order of Tri-County Hearing Panel #16 revoking respondent's certification as a special legal consultant and revoking his membership in the State Bar of Michigan is **AFFIRMED**.

IT IS FURTHER ORDERED that respondent shall, on or before **June 21, 2012** pay costs in the amount of **\$137.68**, for costs incurred by the Attorney Discipline Board for the review hearing conducted on May 9, 2012. (These costs are in addition to the costs previously assessed by the hearing panel.) Check or money order shall be made payable to the State Bar of Michigan, but submitted to the Attorney Discipline Board [211 West Fort St., Ste. 1410, Detroit, MI 48226] for proper crediting. (See attached instruction sheet).

ATTORNEY DISCIPLINE BOARD

By:


Thomas G. Kienbaum, Chairperson

DATED: May 23, 2012

Board members Thomas G. Kienbaum, James M. Cameron, Jr., Rosalind E. Griffin, M.D., Andrea L. Solak, Carl E. Ver Beek, Craig H. Lubben, Sylvia P. Whitmer, Ph. D., Lawrence G. Campbell, and Dulce M. Fuller concur in this decision.

Attorney Discipline Board

FILED
ATTORNEY DISCIPLINE BOARD
12 FEB 17 AM 11:10

GRIEVANCE ADMINISTRATOR,
Attorney Grievance Commission,

Petitioner,

ADB Case No. 11-119-GA

vs

GBENGA ANJORIN, PL 1047,

Respondent.

**ORDER OF DISBARMENT
AND
REVOCATION OF CERTIFICATE OF SPECIAL LEGAL CONSULTANT**

Issued by the Attorney Discipline Board
Tri-County Hearing Panel #16

Richard A. Kitch, Chairperson
Graham L. Teall, Member,
Andrew S. Doctoroff, Member

This matter is before the panel upon the filing of Formal Complaint 11-119-GA charging that respondent, Gbenga Anjorin, has committed acts of professional misconduct warranting discipline. The panel has filed its report which includes application of the American Bar Association's Standards for Imposing Lawyer Sanctions, its findings and conclusions as to misconduct and discipline, and being otherwise fully advised;

NOW THEREFORE,

IT IS ORDERED that respondent is **DISBARRED** from the practice of law in Michigan **EFFECTIVE MARCH 10, 2012**, and until further order of the Supreme Court, the Attorney Discipline Board or a hearing panel, and until respondent complies with the requirements of MCR 9.123(B) and (C) and MCR 9.124.

IT IS FURTHER ORDERED that respondent's certification as a "Special Legal Consultant" in Michigan is **REVOKED**.

IT IS FURTHER ORDERED that from the effective date of this order and until reinstatement in accordance with the applicable provisions of MCR 9.123, respondent is forbidden from practicing law in any form; appearing as an attorney before any court, judge, justice, board, commission or other public authority; or holding himself out as an attorney by any means.

IT IS FURTHER ORDERED that, in accordance with MCR 9.119(A), respondent shall, within seven days after the effective date of this order, notify all of his active clients, in writing, by registered or certified mail, return receipt requested, of the following:

1. the nature and duration of the discipline imposed;
2. the effective date of such discipline;

3. respondent's inability to act as an attorney after the effective date of such discipline;
4. the location and identity of the custodian of the clients' files and records which will be made available to them or to substitute counsel;
5. that the clients may wish to seek legal advice and counsel elsewhere; provided that, if respondent was a member of a law firm, the firm may continue to represent each client with the client's express written consent;
6. the address to which all correspondence to respondent may be addressed.

IT IS FURTHER ORDERED that in accordance with MCR 9.119(B), respondent must, on or before the effective date of this order, in every matter in which respondent is representing a client in litigation, file with the tribunal and all parties a notice of respondent's disqualification from the practice of law.

IT IS FURTHER ORDERED that, respondent shall, within 14 days after the effective date of this order, file with the Grievance Administrator and the Attorney Discipline Board an affidavit of compliance as required by MCR 9.119(C).

IT IS FURTHER ORDERED that respondent's conduct after the entry of this order but prior to its effective date, shall be subject to the restrictions set forth in MCR 9.119(D); and respondent's compensation for legal services shall be subject to the restrictions described in MCR 9.119(F).

IT IS FURTHER ORDERED that respondent shall, on or before March 10, 2012 pay costs in the amount of **\$2,143.08**. Check or money order shall be made payable to the State Bar of Michigan, but submitted to the Attorney Discipline Board [211 West Fort St., Ste. 1410, Detroit, MI 48226] for proper crediting. (See attached instruction sheet).

ATTORNEY DISCIPLINE BOARD
Tri-County Hearing Panel #16



By:

Richard A. Kitch, Chairperson

DATED: FEBRUARY 17, 2012

Attorney Discipline Board

FILED
ATTORNEY DISCIPLINE BOARD

12 FEB 17 AM 11:10

GRIEVANCE ADMINISTRATOR,
Attorney Grievance Commission,

Petitioner,
vs

ADB Case No. 11-119-GA

GBENGA ANJORIN, PL 1047,

Respondent.
_____ /

REPORT OF TRI-COUNTY HEARING PANEL #16

PRESENT: Richard A. Kitch, Chairperson
Graham L. Teall, Member,
Andrew S. Doctoroff, Member

APPEARANCES: Dina P. Dajani, Senior Associate Counsel,
for the Attorney Grievance Commission

Gbenga Anjorin, Respondent,
in pro per

I. RECORD

Tri-County Hearing Panel #16 respectfully reports to the Attorney Discipline Board that a formal hearing was held in the above matter on December 8, 2011. Reviewed by the panel were the following documents that were contained in the file of the Attorney Discipline Board:

1. Formal Complaint, filed October 13, 2011, important procedural instructions, and important notice regarding respondent's appearance.
2. Respondent's response, filed November 7, 2011.
3. Notice that Hearing Panelist Graham L. Teall was employed as an Assistant U.S. Attorney, dated October 17, 2011.
4. Proof of Service, showing service of Notice of Hearing, Formal Complaint, Discovery Demand, Important Notice Regarding Respondent's Appearance, Assistant U.S. Attorney Disclosure, Parties of Record, and instruction sheet, filed October 18, 2011.
5. Notice of Substitution of Panelist, filed October 26, 2011.
6. Amended Formal Complaint, filed November 15, 2011.
7. Respondent's Response to Amended Complaint, filed December 6, 2011.

II. WITNESSES

Timothy Raubinger;
Stephanie Marino Anderson; and
Gbenga Anjorin, Respondent.

III. EXHIBITS

AGC Exhibits

- A. File of Court of Law Examiners re respondent - Special Legal Consultant.
- B. Motion to Set Aside Order of Summary Judgment in the matter of *Anumba, et al, Plaintiffs vs. Central States Trucking Company, et al*, in Circuit Court for the County of Wayne, reflecting respondent as attorney for plaintiffs.
- C. Defendant Central States Trucking Company's Response to Plaintiff's Motion to Set Aside an Order of Summary Judgment in the above matter, reflecting respondent as attorney for plaintiffs.
- D. Order Denying Plaintiff's Motion to Set Aside Order of Summary Judgment and Granting Defendant Central States Trucking Company's Request for Sanctions against plaintiffs in the above matter.
- E. Order for Entry of Judgment
- F. Order Denying Plaintiff's Motion for Reconsideration and Granting Defendant's Motions Against Plaintiff's Attorney, reflecting respondent as attorney for plaintiffs.
- G. Transcript of proceedings before Honorable Kathleen MacDonald, Third Judicial Circuit Court Judge, on January 22, 2010, in the above matter reflecting respondent as attorney for plaintiff.
- H. Membership application of respondent as Special Legal Consultant for the State Bar of Michigan, dated February 29, 2008.

Respondent's Exhibits

- 1. Letter dated January 26, 2010, from Action Business Connections to Gbenga Anjorin.
- 2. Letter dated March 11, 2010, from Action Business Connections to Gbenga Anjorin.

IV. FINDINGS AND CONCLUSIONS REGARDING MISCONDUCT

Rule 5(C) of the Rules of the Michigan Supreme Court Board of Law Examiners provides that a lawyer who has practiced law in a foreign country may seek certification in Michigan as a "Special Legal Consultant" which designation permits the applicant who satisfies certain requirements to use the title "Special Legal Consultant" and to thereby render professional legal advice on the law of the country where they are admitted to practice. Those certified as a "Special Legal Consultant" may seek admission to the State Bar of Michigan pursuant to State Bar of Michigan Rule 3 (Petitioner's Exhibit A).

In January 2008, respondent specifically made application to the Michigan Supreme Court - Board of Law Examiners for certification as a "Special Legal Consultant" which designation did not require that he have attended an ABA approved law school or demonstrated his legal knowledge by having taken a Bar examination in the U.S. He was advised that certification as a "Special Legal Consultant" would permit him to use the title "Special Legal Consultant" and render professional legal advice on the law of Nigeria (Petitioner's Exhibit A), and would permit him to seek active membership in the State Bar of Michigan pursuant to the State Bar of Michigan Rule 3. The evidence reflects that the Michigan Supreme Court - Board of Law Examiners' Rule 5(B)(d) did not permit a "Special Legal Consultant" to appear in Michigan State or Federal Courts and limited his authority to advising clients on the law of Nigeria. (Tr, p 26.)

Respondent subsequently made application for admission to the State Bar of Michigan and was assigned P number P 71514 (later changed to PL1047).

On October 13, 2011, the Grievance Administrator filed Formal Complaint 11-119-GA against respondent alleging that, contrary to the limited purpose for which respondent had been admitted to the State Bar of Michigan, he had undertaken to represent a plaintiff in a negligence and breach of contract action pending in Wayne County Circuit Court entitled *Anumba and Fasiri v Central States Truck Company*, Docket No. 09-009-595-CV, which was ultimately dismissed by a Motion for Summary Judgment and in which respondent was sanctioned in the amount of \$3,000 for filing a frivolous motion. Although the matter was appealed, the Order for Sanctions was never stayed and the respondent admitted that he had not paid same. Respondent admitted that he was the attorney in the *Anumba* case (Tr, p 13, 82.) Further, the testimony of the attorney for Central States Trucking Company in the *Anumba* matter and Petitioner's Exhibits B, C, F, and G clearly reflect respondent appeared as attorney for plaintiff in that matter on behalf of Anjorin law firm. Respondent admitted that he did not advise defense counsel or the court as to his limited status as a Special Legal Consultant. (Tr, pp 82-83.)

Respondent explained his representation in the *Anumba* matter and other matters on the basis that he limited his practice of law in the State of Michigan to those matters he had involved himself in Nigeria and where the laws of Nigeria were applicable to U.S. Courts. (Tr, p 9.) He indicated that the *Anumba* matter involved issues of negligence and breach of contract and the law as to each were the same or similar of that in Nigeria. However, he further indicated that he had never been given any reason to believe that he could practice law so long as the laws of Michigan and the laws of Nigeria were identical or similar. (Tr, p 90.)

Respondent's testimony and other evidence reflects that respondent had engaged in the general practice of law for some time and had not limited his legal representations to matters where the law of Michigan and Nigeria were same or similar. He testified:

- That he had a website under the name of Gbenga Anjorin, PC in which he held himself out as offering legal services for traffic matters, drunk driving, criminal law practice, divorce, child support, child custody, immigration, negligence and international law. (Tr, p 81.)
- That he had appeared before several authorities in the State of Michigan, both in civil and criminal matters. (Tr, p 11.)
- Though he had not done a DUI in Nigeria inasmuch as there was no DUI in Nigeria, there was no doubt that in the District Court in the County of Wayne he was one of the leading DUI lawyers. (Tr, p 11.)

- As to the unauthorized practice of law, he admitted that he was doing something he had never done before, namely DUI. (Tr, p 14.)
- That he knew he was not authorized to practice DUI law. (Tr, p 87.)
- Though he admitted that DUI practice was unauthorized, it was unfortunately what he did best. (Tr, p 93.)
- That he had been counsel in a thousand traffic matters. (Tr, p 93.)
- Though in violation, he had appeared in many cases in Michigan and won a lot of the cases. (Tr, p 101.)
- That he was still representing clients in district and circuit courts after August of 2011. (Tr, p 84.)

The panel finds that respondent did in fact admit not only the misconduct alleged, but did by way of admission, admit further misconduct in that:

- That the evidence does support a finding that respondent did in fact engage in the unauthorized practice of law when he undertook the representation of plaintiffs in the matter of *Anumba, et al vs. Central States Trucking*
- That Respondent's explanation for his undertaking representation of the plaintiffs in the *Anumba* matter is not credible.
- That respondent failed to advise opposing counsel and the Court in the *Anumba* matter that he was only entitled to represent himself as a "Special Legal Consultant" and that though a member of the State Bar of Michigan, he was not authorized to practice in Michigan courts.
- That the evidence clearly reflects that respondent has abused the authority provided him as a "Special Legal Consultant" and has engaged in the general practice of law in Michigan courts.

V. REPORT ON DISCIPLINE

As indicated in *Grievance Administrator v Lopatin, 462 Mich 235 (2000)*, the framework for deciding the level of discipline to impose after finding of misconduct is for the panel to address three questions which appear in ABA Standard 3.0.

- 1) What ethical duty did the lawyer violate? (A duty to a client, the public, the legal system, or the profession)?
- 2) What was the lawyer's mental state? (Did the lawyer act intentionally, knowingly or negligently)?
- 3) What was the extent of the actual or potential injury caused by the lawyer's misconduct? (Was there a serious or potential serious injury)?

This panel finds with respect to these questions:

1) That respondent did violate a duty to his clients, the public, the legal system and the profession by engaging in fraud, deceit and misrepresentation as to the authority he had to practice in the courts of Michigan and did so to personally benefit therefrom which had the potential of causing severe injury to his clients, the public, the profession, and the judicial system by undertaking the general practice of law without a license to do so.

2) Respondent knowingly engaged in fraud, deceit and misrepresentation with an intent to benefit therefrom and with the possibility of causing severe injury to his clients, the public, the profession, and the judicial system which constituted an interference with the administration of justice with an intent to deceive a court by withholding material information.

3) The injury caused by Respondent's misconduct had the potential of serious injury to his clients and the court which left them under the impression that respondent was authorized to practice law in the courts of Michigan and to the profession by demeaning its reputation in the eyes of the public.

As to possible relevant aggravating and mitigating factors under ABA Standard 9.0, the panel finds the following aggravating factors. The Respondent's conduct represents:

- A dishonest or selfish motive;
- A pattern of misconduct; and
- Multiple offenses.

As to mitigating factors that might be considered by the panel they are:

- Absence of a prior disciplinary record

The panel has considered the recommended sanctions contained in the ABA Standards for Imposing Lawyer Sanctions and holds that Respondent's membership in the State Bar of Michigan should be revoked and his certification as a "Special Legal Consultant" be revoked for reasons of the misconduct set forth herein.

VI. SUMMARY OF PRIOR MISCONDUCT

None.

VII. ITEMIZATION OF COSTS

Attorney Grievance Commission: (See Itemized Statement filed 12/16/11)	\$	201.58
Attorney Discipline Board: Hearing held 12/08/11	\$	441.50
Administrative Fee [MCR 9.128(B)(1)]	\$	<u>1,500.00</u>
TOTAL:	\$	2,143.08

ATTORNEY DISCIPLINE BOARD
Tri-County Hearing Panel #16



By:

Richard A. Kitch, Chairperson

DATED: FEBRUARY 17, 2012