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STATE OF MICHIGAN

Attorney Discipline Board

GRIEVANCE ADMINISTRATOR,
Attorney Grievance Commission,

Petitioner/Appellee,

v

Case No. 19-18-RD

RICHARD SHANT NORSIGIAN, P 77410

Respondent/Appellant.

ORDER AFFIRMING HEARING PANEL FINDING OF MISCONDUCT, MODIFYING ORDER OF DISCIPLINE, AND IMPOSING ORDER OF REPRIMAND WITH CONDITIONS

Issued by the Attorney Discipline Board
333 W. Fort St., Ste. 1700, Detroit, MI

This case involves a reciprocal discipline matter. On November 8, 2018, the Supreme Court of Florida issued an order imposing on respondent a 91-day suspension from the practice of law and, upon reinstatement, a one-year period of probation. The suspension was the result of a consent judgment where respondent stipulated to violating the rules, agreed to a 91-day suspension and return of the legal fee in one case, and one year of probation following reinstatement. Respondent also agreed to undergo an evaluation by Florida Lawyers Assistance, Inc. (FLA, Inc.) and pay a registration and monthly monitoring fee to the Florida Bar.

On March 14, 2019, the Michigan Attorney Grievance Commission filed a reciprocal discipline action pursuant to MCR 9.120(C). Respondent filed an objection on April 8, 2019, essentially asserting that he has already been punished for dereliction of his duties because the facts and circumstances surrounding his Florida suspension and a prior Michigan suspension occurred while he was trying to cope with his mother's cancer diagnosis and subsequent death. Respondent stated that he has fulfilled his suspensions and conditions in both Michigan and Florida, and since the events leading to those suspensions, respondent has practiced law in a professional manner. Respondent argued that any additional suspension serves no benefit to the public or the profession, because he has "since rebuilt his practice and psyche" and has learned from his mistakes, and a suspension now will only have a negative impact on himself and his clients. On April 17, 2019, the Grievance Administrator filed a reply to respondent's objection stating that respondent's objection failed to meet his burden of demonstrating that an order of suspension would be clearly inappropriate as contemplated by MCR 9.120(C)(1).

After consideration of the pleadings filed by both parties, the panel entered an order on June 4, 2019, imposing an order of suspension and denying respondent's request for a hearing. The panel held that it was not persuaded that respondent met his burden of proving that the

imposition of comparable discipline would be clearly inappropriate pursuant to MCR 9.120(C)(1). Accordingly, the panel accepted the Administrator's recommendation that respondent be suspended for 91 days.

On June 25, 2019, respondent filed a timely petition for review. Pursuant to MCR 9.115(K), the filing of respondent's petition for review resulted in an automatic stay of the hearing panel Order of Suspension. The Attorney Discipline Board has conducted review proceedings in accordance with MCR 9.118, including review of the record below, consideration of the briefs filed by the parties, and the oral arguments presented to the Board at a review hearing. We affirm the finding of misconduct, but modify the order of suspension and instead impose an order of reprimand with conditions.

Pursuant to MCR 9.120(C), the Grievance Administrator is empowered to initiate a disciplinary proceeding against a lawyer that has been disciplined in another jurisdiction. Such a proceeding is limited to whether the attorney received due process in the original proceeding and whether the imposition of comparable discipline in Michigan would be "clearly inappropriate."

The present reciprocal discipline proceeding is based upon an order of suspension for a period of 91 days entered by the Florida Supreme Court in a matter titled *Florida Bar v R. Shant Norsigian*, SC18-883 (2018). Respondent raised no due process concerns, so the only issue addressed by this Board is whether identical or comparable discipline would be clearly inappropriate.

Based upon the particular facts and circumstances of this case, the Board has determined that identical discipline in the form of a 91-day suspension would be "clearly inappropriate." The circumstances of this case present one of those exceedingly rare instances in which the imposition of comparable discipline would be inappropriate. A further suspension of respondent's license to practice law in Michigan is not necessary to insure the protection of the public, the courts or the legal profession in this state. However, some type of discipline is necessary because respondent committed professional misconduct in another jurisdiction and that misconduct has been conclusively established. Further, we believe that certain protections for the public are appropriate in this matter.

A Michigan hearing panel in respondent's previous case in this jurisdiction saw fit to impose a short suspension for similar conduct coupled with various conditions, including the requirement that respondent meet regularly with a "mentor/monitor" to review with respondent his client files and office practice and procedures. See Report of Tri-County Hearing Panel #64, p. 5 ¶ 2, in *Grievance Administrator v Richard Shant Norsigian*, 17-118-GA (HP Report 1/23/18). In his brief on review, respondent represented that he continued (at that time) to meet with his mentor/monitor, that he has "refunded the aggrieved clients all their money," and that he is in the process of paying "costs and fees to the Florida Bar."

Accordingly, we affirm the hearing panel's finding of misconduct, modify the order of discipline, and impose an order of reprimand with conditions. These conditions include continuing (or resuming) monthly meetings with an attorney mentor/monitor under the terms of the panel order in case number 17-118-GA for two years from the date hereof. In addition, respondent is ordered to provide satisfactory proof to the Attorney Grievance Commission that he has refunded the legal fee to his client as ordered in Florida discipline case number SC18-883 within 90 days of this order. Finally, respondent shall pay all costs and fees ordered in Florida discipline case number SC18-883

within 90 days of this order. If respondent fails to provide satisfactory proof of compliance with these conditions to the Attorney Grievance Commission, the Grievance Administrator may file a new formal complaint against respondent pursuant to MCR 9.104(9) and/or such other appropriate rules.

NOW THEREFORE,

IT IS ORDERED that, for the reasons set forth above, the hearing panel's findings of misconduct have proper evidentiary support in the record and are **AFFIRMED**.

IT IS FURTHER ORDERED that Tri-County Hearing Panel #56's Order of Suspension, issued June 4, 2019, is **MODIFIED**, and that respondent, Richard Shant Norsigian, is hereby **REPRIMANDED EFFECTIVE MARCH 3, 2020**.

IT IS FURTHER ORDERED that respondent shall continue (or resume) monthly meetings with an attorney mentor/monitor, acceptable to the Attorney Grievance Commission and the Attorney Discipline Board, under the terms of the panel order in case number 17-118-GA for two years from the date hereof, and shall provide the required reports from the attorney mentor to the Attorney Grievance Commission.

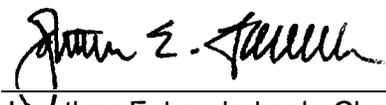
IT IS FURTHER ORDERED that respondent shall, on or before **May 4, 2020**, provide satisfactory proof to the Attorney Grievance Commission that he has refunded the legal fee to his client as ordered in *Florida Bar v R. Shant Norsigian*, SC18-883 (2018).

IT IS FURTHER ORDERED that respondent shall, on or before **May 4, 2020**, pay all costs and fees ordered in *Florida Bar v R. Shant Norsigian*, SC18-883 (2018), and provide satisfactory proof thereof to the Attorney Grievance Commission.

IT IS FURTHER ORDERED that respondent shall, on or before **March 3, 2020**, pay costs in the amount of \$1,506.80, consisting of costs assessed by the hearing panel. Check or money order shall be made payable to the Attorney Discipline System and submitted to the Attorney Discipline Board, 333 West Fort St., Ste. 1700, Detroit, MI 48226, for proper crediting. (See attached instruction sheet).

ATTORNEY DISCIPLINE BOARD

By:



Jonathan E. Lauderbach, Chairperson

DATED: February 3, 2020

Board members Jonathan E. Lauderbach, Michael B. Rizik, Jr., Barbara Williams Forney, Linda S. Hotchkiss, M.D., and Michael S. Hohausser concur in this decision.

Board members James A. Fink, Anna Frushour and Karen D. O'Donoghue dissent, and would impose a suspension of 91 days as requested by the Grievance Administrator, which is less stringent than the Florida suspension, given that a suspension of 91 days in Florida requires a hearing regarding the attorney's character and fitness, rehabilitation, and whether any conduct disqualifying the attorney from reinstatement has occurred. Rule 3-7.10, Rules Regulating the Florida Bar.

Board member John W. Inhulsen was absent and did not participate.