

NOTICE OF SUSPENSION AND RESTITUTION WITH CONDITIONS

(By Consent)

Case No. 24-61-GA

Notice Issued: May 22, 2025

Joseph Bernwanger, P 71895, Ferndale, Michigan

Suspension - 60 Days, Effective May 22, 2025

Respondent and the Grievance Administrator filed a Stipulation for Consent Order of Discipline pursuant to MCR 9.115(F)(5), which was approved by the Attorney Grievance Commission and accepted by Tri-County Hearing Panel #65. The stipulation contained respondent's admissions to all of the factual allegations and allegations of professional misconduct set forth in a two count formal complaint. Regarding Count One, respondent admitted that he committed professional misconduct in his handling of a client's Chapter 13 bankruptcy matter by failing to file a required Certification Regarding Domestic Support Obligations, which resulted in the bankruptcy petition being closed without a discharge. Respondent later filed a second Chapter 13 bankruptcy petition for the same client, but failed to inform his client of critical court dates. The second bankruptcy petition was also dismissed due to missed meetings and non-payment, and respondent did not disclose the actual reasons for the dismissal or take any further action on his client's behalf. Respondent's client learned that his original bankruptcy case was dismissed when he consulted with new counsel. Regarding Count Two, respondent admitted to failing to answer the request for investigation stemming from the above client matter.

Based upon respondent's admissions as set forth in the parties' stipulation, the panel found that respondent neglected a legal matter, in violation of MRPC 1.1(c) [Count One]; failed to seek the lawful objectives of a client, in violation of MRPC 1.2(a) [Count One]; failed to act with reasonable diligence and promptness in representing a client, in violation of MRPC 1.3 [Count One]; failed to keep a client reasonably informed about the status of a matter and comply promptly with reasonable requests for information, in violation of MRPC 1.4(a) [Count One]; failed to explain the matter to the extent reasonably necessary to permit the client to make

informed decisions regarding the representation, in violation of MRPC 1.4(b) [Count One]; knowing failure to respond to a lawful demand for information from a disciplinary authority, in violation of MRPC 8.1(a)(2) [Count Two]; engaged in conduct that violates the standards or rules of professional conduct, in violation of MRPC 8.4(a) and MCR 9.104(4) [Count Two]; engaged in conduct prejudicial to the administration of justice, in violation of 8.4(c) [Count Two] and MCR 9.104(1) [Counts One and Two]; engaged in conduct that exposes the legal profession or the courts to obloquy, contempt, censure, or reproach, in violation of MCR 9.104(2) [Counts One and Two]; engaged in conduct that is contrary to justice, ethics, honesty, or good morals, in violation of MCR 9.104(3) [Counts One and Two]; and failed to answer a Request for Investigation in conformity with MCR 9.113(A) and MCR 9.113(B)(2), in violation of MCR 9.104(7).

In accordance with the stipulation of the parties, the hearing panel ordered that respondent's license to practice law in Michigan be suspended for 60 days, that he pay restitution totaling \$500, and that he be subject to conditions relevant to the established misconduct. Total costs were assessed in the amount of \$1,945.90.