

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN

IN THE MATTER OF:

ATTORNEY LINDA S. KREUSEL
_____ /

Administrative Order

No. 17-AD-140

ORDER OF ASSIGNMENT OF A
THREE JUDGE PANEL TO CONSIDER
PETITION FOR ADMISSION

Attorney LINDA S. KREUSEL has filed an application for admission to practice law in the courts of the Western District of Michigan, and the undersigned, having reviewed the petition and supporting materials, finds that the appointment of a Three Judge Panel is appropriate. Accordingly, the following three Judges are hereby appointed

HONORABLE JANET T. NEFF, CHAIR

HONORABLE TIMOTHY P. GREELEY

HONORABLE JAMES W. BOYD

to review this attorney's petition and determine his suitability for admission to the practicing bar of the Western District of Michigan. Pursuant to Rule, the decision of a majority of the panel will be final and binding. A copy of this Order shall be served upon Attorney Kreusel by the Attorney Admissions Clerk.

The Panel has plenary authority to evaluate any and all issues it concludes are relevant to the admission inquiry. The undersigned highlights the following particular concerns that prompted a decision to convene the Panel, rather than rely on the undersigned's judgment alone.

First, the application materials suggest that the applicant intends to practice entirely in Michigan (listing an address in Lansing) even though her only State admission currently in good standing is in Colorado. Her New York admission has reportedly lapsed. She has never been admitted in Michigan. And she is not presently in good standing with the Federal District and Bankruptcy Courts in Colorado. If applicant's present intention is to practice more or less

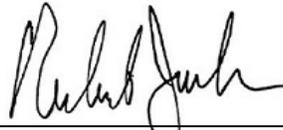
exclusively in Michigan, the Court has questions about whether she should also be seeking admission to the State Bar of Michigan.

Second, her application materials suggest risk associated with an unorthodox practice model. Her only listed address appears to be a residential apartment in Lansing. Her sponsor, Robert Haertel, lists his office in Roscommon (144 miles away), but reports that both are contract attorneys for a firm, “Weisburg [sic?]* Consumer Law Group,” that has no reported presence in Michigan. And her sponsor has already appeared in one case before the undersigned that triggered a show cause hearing based on his effort to appear only as “appearance counsel,” rather than a lawyer fully responsible for the case as required by Local Rule. (Exhibit A)

The undersigned is making no decisions or recommendations about the whether the application should be granted, but simply wants both the applicant and the Panel to understand what particular concerns have prompted the referral.

IT IS SO ORDERED.

FOR THE COURT:



ROBERT J. JONKER
CHIEF UNITED STATES DISTRICT JUDGE

Dated: December 28, 2017

* The Court cannot find a reference to “Weisburg Consumer Law Group” anywhere. There is a Weisberg Consumer Law Group headed by Alexander Weisberg and based in Fort Lauderdale, Florida. The Court assumes this is the firm referenced by the sponsor.

EXHIBIT A

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JERRI CALIFF, on behalf of herself and
all others similarly situated,

Plaintiff,

CASE NO. 1:17-CV-322

v.

HON. ROBERT J. JONKER

ASSET RECOVERY SOLUTIONS, LLC,

Defendant.

_____ /

SECOND ORDER TO SHOW CAUSE

This putative FDCPA class action came up for a scheduled Rule 16 Conference on June 27, 2017. The Joint Status Report reflects the signatures of counsel who filed the case for Plaintiff, and counsel who filed the Answer for Defendant. Neither of those lawyers appeared at the Rule 16 Conference. And neither of the attorneys who did appear for the Conference had actually signed the Joint Status Report or any other substantive document in the case.

After each of the attorneys who appeared put their appearances on the record, the Court asked about their relationship to the attorneys who signed the Report. Attorney Haertel for Plaintiff said he was "appearance counsel." The Court asked what that meant, and was informed Attorney Haertel considers himself an independent contractor who makes appearances for other counsel. Maybe that works in some courts, but not this one. The Court considers it an affront to good practice, a waste of the Court's time (because Court carefully prepares for Rule 16s and often has substantive questions), and a violation of its Local Rules. Local Rule 83.1(f) plainly requires that any local counsel "have both the authority and responsibility for the conduct of the case should lead counsel

be unavailable for any appearance, hearing or trial." There is no category for "Appearance Counsel," and the Court doubts whether there is any proper role for it in any event.

Of course by the time the Court turned to defense counsel, he was not going to describe himself as "appearance counsel," but the relationship and role does need formal explanation because counsel who appeared for the Defendant did not sign the Joint Status Report either, or any other substantive litigation document in the case. He may have been functionally in the same position as "Appearance Counsel."

The Court expects better in any case. The breach is especially egregious in a case filed as a putative class action. One aspect of any class action requires the Court to find adequacy of representation. This is certainly a precarious start for any counsel who intends to represent a class.

Accordingly, IT IS ORDERED:

1. Counsel for Plaintiff who filed this putative class action (Attorney Panvini) shall show cause not later than July 7, 2017, why this Court should not impose sanctions up to and including dismissal of the class allegations, for failure to prosecute this case consistent with the Local Rules of the Court, and based on a demonstrated inability to serve as adequate class counsel based on what has happened in the case so far.
2. Lead Counsel for each party (Attorney Panvini, and Attorney Knirsch) shall file with the Court not later than **July 7, 2017**, a verified statement explaining the terms of engagement for the counsel each arranged to have attend the Rule 16. In particular, but without limitation, the explanation must affirmatively state whether the counsel who appeared had the full authority and responsibility to handle the case as required by the Local Rules. If not, the explanation must include a statement of why the Court should not impose appropriate sanctions for violation of the Local Rule. If so, the explanation must include a statement of why counsel for Plaintiff described himself as "Appearance Counsel," and why neither of the attorneys signed any substantive document in the case. The explanation must also affirmatively state whether the respective clients had notice of and approved the arrangement.
3. The Court will decide whether and on what terms to convene a Rule 16 Conference after reviewing the submissions from the attorneys.

Date: June 28, 2017

/s/ Robert J. Jonker
ROBERT J. JONKER
CHIEF UNITED STATES DISTRICT JUDGE