

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN THE MATTER OF:

Administrative Order

ATTORNEY CRAIG S. ROMANZI

No. 18-AD-078

**OPINION AND ORDER DENYING
PETITION FOR ADMISSION**

This matter is before the Court on a Petition for Admission pursuant to LCivR 83.1 (the "Petition") filed by Attorney Craig S. Romanzi. After review of the Petition and receipt of supplemental information from Mr. Romanzi, Chief District Judge Robert J. Jonker referred the matter to the undersigned panel of judicial officers for hearing and decision. (Admin. Order No. 18-AD-038). On August 1, 2018, the panel conducted a hearing on the record in Kalamazoo, Michigan, at which Mr. Romanzi appeared and testified under oath. For the following reasons, the Court has decided to deny the Petition.

Background

Mr. Romanzi focuses his practice on personal injury law and no-fault insurance claims, among other things. He has been associated with numerous law firms in the greater-Detroit metropolitan area in recent years, including Romanzi & Nardicchio, P.L.C., Fieger & Fieger, P.C., Romanzi Atnip, P.C., and his current firm, Craig S. Romanzi, PC.

On March 8, 2018, Mr. Romanzi filed his Petition. According to the Petition, Mr. Romanzi was admitted to practice in the State of Michigan on November 18, 1991 and in the

State of Ohio approximately one year later. (Pet. at ¶ 3).¹ The Petition states that Mr. Romanzi is also admitted to practice before the United States District Court for the Eastern District of Michigan and the United States Court of Appeals for the Sixth Circuit. (Pet. at ¶ 4).

Mr. Romanzi did not provide the dates that he was admitted to practice before the Eastern District of Michigan or the Sixth Circuit in his Petition, however. (Pet. at ¶¶ 3-4). Nor did he state whether he remains active and in good standing with the State Bar of Michigan, the Eastern District of Michigan, or the Sixth Circuit. *Id.* In an attachment to the Petition, Mr. Romanzi disclosed that his license to practice law in Ohio was suspended at some point in time because he failed to comply with continuing legal education requirements.

Upon review of the Petition, Chief Judge Jonker sent a letter to Mr. Romanzi at his Dearborn, Michigan address.² Chief Judge Jonker requested additional information from Mr. Romanzi by no later than April 18, 2018 regarding (i) a domestic relations matter disclosed in the Petition, (ii) the suspension of his Ohio license and the conditions for its reinstatement, and (iii) any action of the State Bar of Michigan with respect to the foregoing.

In a response dated April 21, 2018, Mr. Romanzi further explained the status of his domestic relations matter and enclosed numerous documents related thereto. Mr. Romanzi also provided a supplemental statement regarding the suspension of his Ohio license. According to Mr. Romanzi, he was not informed of the suspension until he contacted the Ohio State Bar Association in 2016.

¹ The Petition states that Mr. Romanzi was admitted to practice in Ohio in October 1992. According to the attorney directory maintained by the Supreme Court of Ohio, Mr. Romanzi was admitted on December 14, 1992.

² The Petition lists a mailing address of 3 Park Lane Blvd., Suite 1600W, Dearborn, Michigan 48126, the same address Mr. Romanzi maintains with the State Bar of Michigan.

On April 24, 2018, Chief Judge Jonker advised Mr. Romanzi that he remained concerned with, among other things, Mr. Romanzi's compliance with his continuing duty to report to the State Bar of Michigan the domestic relations matter and the suspension of his Ohio license. Chief Judge Jonker also requested information regarding Mr. Romanzi's pending bankruptcy case, including allegations of fraud, embezzlement and defalcation made therein. *See In re Romanzi*, Case No. 16-43857 (Bankr. E.D. Mich.). In accordance with LCivR 83.1(c), Chief Judge Jonker entered an order on April 24, 2018 appointing the undersigned three-judge panel to further review the Petition and determine whether Mr. Romanzi should be admitted to practice before this Court. (Admin. Order 18-AD-038).

By letter dated May 11, 2018, the Court notified Mr. Romanzi that a hearing regarding his Petition would be held on June 8, 2018 in Grand Rapids, Michigan. The letter was sent to the attention of Mr. Romanzi at his Dearborn, Michigan address, the same address that Mr. Romanzi used on his Petition and his letter to Chief Judge Jonker dated April 21, 2018.

As scheduled, the Court held a hearing regarding the Petition in Grand Rapids, Michigan on June 8, 2018. Mr. Romanzi did not appear at the hearing or attempt to reschedule it. The Court therefore entered an order denying the Petition on June 15, 2018. (Admin. Order No. 18-AD-055).

In late June 2018, Mr. Romanzi contacted the case manager for Judge Janet T. Neff via email to request a re-hearing.³ Judge Neff's case manager invited Mr. Romanzi to make a formal request for a re-hearing to the Court. On July 9, 2018, Mr. Romanzi sent a letter to

³ In his email, Mr. Romanzi's signature block included a mailing address of 31000 Northwestern Hwy., Suite 220, Farmington Hills, Michigan 48334.

the Court via facsimile.⁴ In his letter, Mr. Romanzi advised the Court that he never received notice of the hearing on his Petition. As such, he was unable to appear at the Court's "inquisition." Mr. Romanzi requested that the Court reschedule his Petition for hearing.

On Sunday, July 22, 2018, Mr. Romanzi faxed another letter to the Court in which he reiterated his request for a re-hearing.⁵ Mr. Romanzi suggested that because no response to his letter dated July 9, 2018 had been forthcoming, the Court "must have thought that I was a liar." For the first time, Mr. Romanzi explained that he was not receiving mail at his Dearborn, Michigan address. As support, Mr. Romanzi attached envelopes enclosing prior correspondence from the Court that had been sent to the address used by Mr. Romanzi on his Petition and letterhead. The envelopes reveal that Mr. Romanzi arranged to have his mail forwarded to a post office box in Rochester, Michigan.⁶ To dispel his own suggestion that he might be a "liar," Mr. Romanzi offered to "submit to a polygraph by the examiner used by the Michigan State Police – at the expense of the federal government, of course."

One day later, Mr. Romanzi faxed yet another letter to the panel. For all intents and purposes, the letter appears to be identical to the letter dated July 22, 2018, including the mailing address on the letterhead.⁷

Thereafter, the Court sent a letter to Mr. Romanzi notifying him that a re-hearing on his Petition would be held on August 1, 2018 in Kalamazoo, Michigan. At the hearing, Mr.

⁴ Mr. Romanzi's letterhead no longer included the Dearborn, Michigan address. Instead, it included a new mailing address of 511 Olde Towne Rd., P.O. Box 40430, Rochester, Michigan 48307.

⁵ Mr. Romanzi's letterhead was not the same as the address he used in correspondence dated July 9, 2018, as he had removed the street address of "511 Olde Towne Rd."

⁶ It is unclear when Mr. Romanzi requested that his mail be forwarded to the Rochester, Michigan address. It is clear, however, that Mr. Romanzi did not formally inform the Court before July 22, 2018 that he had a new mailing address.

⁷ The fax coversheet states that the letter is from Craig Romanzi, with an address of 4227 Arcadia Dr., Auburn Hills, Michigan 48326.

Romanzi appeared on his own behalf. He did not present witnesses or any other evidence beyond that which he had previously submitted to the Court.

Analysis

A federal district court has the inherent authority to determine whether to grant or deny an attorney's application for admission to practice before that court. *Stilley v. Bell*, 155 Fed. Appx. 217, 219 (6th Cir. 2005) (citing *Application of Mosher*, 25 F.3d 397, 399-400 (6th Cir. 1994)); *In re Snyder*, 472 U.S. 634, 643 n.6 (1985). "Accordingly, the exercise of the authority to admit, deny or suspend an attorney is left to the discretion of the district court." *Id.* (citations omitted).

The Sixth Circuit Court of Appeals has observed that there are two competing interests in a decision to admit an attorney to practice before a district court:

On the one hand are the attorney's interest in practicing in his or her chosen profession, and the client's interest in being represented by the client's chosen attorney. . . . These interests are more compelling when . . . the client has already chosen a particular attorney to represent him or her in court. . . . On the other hand, the public interest requires the court to consider whether the applicant attorney will promote the administration of justice, and whether the applicant possesses the professional and ethical competence expected of an officer of the court.

Stilley, 155 Fed. Appx. at 220 (citations and quotations omitted).

This Court has promulgated local rules to govern the practice of attorneys in the Western District of Michigan. LCivR 83.1; see 28 U.S.C. § 2071; Fed. R. Civ. P. 83; see also *Rittenhouse v. Delta Home Improvement, Inc. (In re Desilets)*, 291 F.3d 925, 929 (6th Cir. 2002) (citations omitted). Rule 83.1 of the Local Civil Rules sets forth the procedure for admission by requiring an attorney to disclose certain information, including the attorney's office address, each jurisdiction to which the applicant has been admitted to practice, and the corresponding date(s) of admission. LCivR 83.1(d). An attorney seeking admission to practice before this Court must also disclose "whether the applicant has ever been held in

contempt, subjected to discipline as defined by these rules or convicted of a crime” and all facts relevant thereto. LCivR 83.1(d)(i).⁸

After carefully considering the Petition, the supplemental information provided in response to the Court’s requests, and the representations made under oath by Mr. Romanzi at the hearing on August 1, 2018, the Court is not persuaded that Mr. Romanzi should be admitted to practice in the Western District of Michigan at this time. Mr. Romanzi has not satisfied his duty of candor to the Court. Moreover, given Mr. Romanzi’s past practices, the Court is concerned that Mr. Romanzi is indifferent, if not recalcitrant, with respect to his continuing disclosure obligations. Finally, Mr. Romanzi has not exhibited the civility, courtesy and professionalism required in this District.

A. Candor to the Tribunal – Mich. R. Prof. Cond. 3.3

As an attorney requesting admission to practice in this District, Mr. Romanzi owes a duty of candor to the Court. *See Mich. R. Prof. Conduct 3.3*. The Court finds that the level of candor exhibited by Mr. Romanzi, as a prospective officer of the Court, is deficient.

Mr. Romanzi’s explanation of the contempt finding against him by the Sixth Judicial Circuit Court for the County of Oakland, Michigan (the “State Court”) is not satisfactory. In response to whether he has ever been held in contempt or otherwise subject to discipline, Mr. Romanzi answered “no” in his Petition. During the hearing and only after the panel probed further did Mr. Romanzi acknowledge that he had previously been held in contempt.

Moreover, Mr. Romanzi’s explanation of the events giving rise to the contempt finding is inaccurate, if not misleading. Mr. Romanzi testified to the Court as follows:

ATTORNEY ROMANZI: Certainly. It was in regards to the bankruptcy. I was involuntarily placed into bankruptcy due to various debts. The [creditors] attorney wanted to take my deposition, which I sat for. The first four hours I sat for. He

⁸ The United States District Court for the Eastern District of Michigan imposes a similar requirement, which is also continuing in nature. LCivR 83.20, 83.22 (E.D. Mich.).

wanted another four hours, which was fine. I mis-scheduled it in my - - he got an order for the other four hours, I mis-scheduled it in my calendar, I missed that date. He brought a motion. I went before Judge - -

JUDGE MALONEY: One of the Oakland judges.

ATTORNEY ROMANZI: One of the Oakland County judges, whose name escapes me. And I appeared. Well, it wasn't even properly noticed before the Court, but I appeared and she said, "There was an order." And I said, "Yes." "Did you appear?" I said, "No, I made a mistake. I have no objection to appearing." And she held me in contempt.

JUDGE MALONEY: What sanction was imposed?

ATTORNEY ROMANZI: She gave me five days in jail.

(Hr'g Tr. at p. 4, Aug. 1, 2018).

The public record from the State Court reveals a much different series of events leading to the contempt finding. *Ruben et al. v. Romanzi et al.*, Case No. 15-144923-NM (Oakland Cty. 6th Cir. Ct.). After a judgment for legal malpractice in the amount of \$860,000 was entered against Mr. Romanzi, the judgment creditors issued a subpoena to him as part of their collection efforts. (Second Contempt Mot. Dec. 9, 2015 at ¶¶ 2,4). According to the subpoena, Mr. Romanzi was required to appear for examination on October 26, 2015 and produce certain documents one week in advance. (*Id.* at Ex. 2). When Mr. Romanzi did not appear or produce documents, the judgment creditors filed a motion for contempt on October 30, 2015. (First Contempt Mot. Oct. 30, 2015).

In his response to the motion dated November 16, 2015, Mr. Romanzi attached an email chain between himself and the attorney for the judgment creditors. (Resp. Nov. 16, 2015 at Ex. A). According to Mr. Romanzi's own emails, he did not advise the attorney for the judgment creditors of any conflict with the date and time of the examination until the morning on which it was scheduled. (*Id.*) Mr. Romanzi explained that he could not appear because he had a deposition in an unrelated matter he had apparently learned about one

week earlier and for which he only received formal notice one day earlier (Sunday). (*Id.*) Fifteen minutes before the time scheduled for the examination, Mr. Romanzi contacted the attorney for the judgment creditors and advised him that the deposition in the unrelated matter “did not go forward.” (*Id.*) Mr. Romanzi represented to opposing counsel that he would appear for the examination shortly.⁹ (*Id.*) However, Mr. Romanzi apparently never appeared. (First Contempt Mot. at ¶ 7).

The State Court held a hearing on the contempt motion on or around November 18, 2015. (Order Nov. 18, 2015). At the conclusion of the hearing, the court imposed monetary sanctions and ordered Mr. Romanzi to appear for the judgment creditors’ examination and produce documents. (*Id.*)

Mr. Romanzi again failed to abide by the State Court’s order, leaving the judgment creditors little choice but to file another motion for contempt on December 9, 2015. (Second Contempt Mot. at ¶¶ 6-7). The judgment creditors requested that the State Court hold Mr. Romanzi in contempt and issue a bench warrant, among other things. (*Id.*) At a hearing on January 13, 2016, the State Court found Mr. Romanzi in contempt. (Order Jan. 13, 2016). Only then did the court order the imprisonment of Mr. Romanzi. (*Id.*)

Mr. Romanzi’s explanation to this Court regarding the contempt finding suffers from inconsistencies and incompleteness. The State Court did not throw Mr. Romanzi in jail for rote and immaterial deficiencies, as he implied to this Court. Mr. Romanzi was given two opportunities to appear for the examination and produce documents. The State Court seemingly issued a bench warrant for his arrest only as a last resort. Mr. Romanzi’s account of the events leading to his contempt finding is inaccurate and contrary to his response filed in the State Court.

⁹ Mr. Romanzi did not produce documents responsive to the subpoena at any time prior to the examination. (See Order Nov. 18, 2015).

In addition, Mr. Romanzi did not “mis-schedule” the examination, as he represented to this Court. Rather, his own emails reveal that he contacted opposing counsel on the morning of the examination and declared he could not attend because of a deposition that never occurred in an unrelated matter. Shortly before the time scheduled for the examination, Mr. Romanzi said he would appear. He apparently never did. Mr. Romanzi’s representation to this Court that he “mis-scheduled” the date of the examination is therefore contrary to the emails he filed on the docket in the State Court.

While the finding of contempt by the State Court is of great concern to this Court, it does not *per se* disqualify him from admission. Mr. Romanzi’s evasiveness and lack of candor to this Court do. He was not initially forthcoming in his Petition, and he did not provide the Court with a complete account of the contempt finding. It is difficult to imagine how Mr. Romanzi could not recall the contempt finding and the events giving rise to it, especially because he was imprisoned as a result of it.

B. Continuing Duty to Disclose – Mich. R. Prof. Cond. 8.1

The Michigan Rules of Professional Conduct require attorneys to disclose any disciplinary action, including suspension or disbarment in another jurisdiction. Mich. R. Prof. Cond. 8.1. Accordingly, an attorney admitted to practice in the State of Michigan, as well as before this Court, is entrusted with an obligation to self-police. *Id.*; see LCivR 83.1(j).

In his response to a letter from Chief Judge Jonker, Mr. Romanzi could not recall whether he informed the State Bar of Michigan that his license to practice law in Ohio had been suspended. Even after Chief Judge Jonker’s inquiry, Mr. Romanzi has yet to inform this Court whether he made the requisite disclosure to the State Bar of Michigan that his

Ohio license has been suspended.¹⁰ As technical as Mr. Romanzi may perceive this violation, he nonetheless has a duty to report it.

Mr. Romanzi's continuing uncertainty regarding his disclosure to the State Bar of Michigan calls into question whether he would inform this Court in the event that he is subject to future disciplinary action. Mr. Romanzi should not be admitted to practice before this Court until he has demonstrated compliance with the self-reporting requirements imposed upon him by the other jurisdictions in which he is admitted to practice.

As a collateral issue, Mr. Romanzi's ever-changing mailing address is also problematic. Since the filing of his Petition, Mr. Romanzi has used no less than four mailing addresses when interacting with this Court. Although Mr. Romanzi represented to the Court that he was having difficulty receiving mail at his Dearborn, Michigan address, Mr. Romanzi has not changed the address he maintains on file with the State Bar of Michigan and the Eastern District of Michigan. To date, it remains the Dearborn, Michigan address.¹¹

As it stands today, this Court, as well as the practitioners and parties before it, would have difficulty communicating with, and serving documents upon, Mr. Romanzi in the event he is admitted. The Court concludes that Mr. Romanzi should not be admitted until he establishes a consistent mailing address, as basic as that may seem.

C. Professional Conduct – Mich. R. Prof. Cond. 6.5

Finally, Mr. Romanzi has a duty to conduct himself with civility and professionalism. Mich. R. Prof. Cond. 6.5; *see* Mich. R. Prof. Cond. 3.5(d); *see also* STANDARDS FOR CIVILITY IN

¹⁰ The Court is uncertain whether Mr. Romanzi has complied with his reporting obligation as a member of the bar in the Eastern District of Michigan. LCivR 83.20, 83.22 (E.D. Mich.).

¹¹ Ironically, in his response to the motion for contempt filed by the judgment creditors, Mr. Romanzi, acting *pro per*, stated that “[a]ll information regarding contact and addresses is timely updated with the State Bar of Michigan. No one else has ever had difficulty finding Romanzi.” (Resp. at ¶ 2).

PROFESSIONAL CONDUCT (W.D. Mich.), *available at* <http://www.miwd.uscourts.gov/local-policies-and-procedures> (follow link for “Civility Plan”).¹² Mr. Romanzi’s written communications to the panel on July 9, 22-23, 2018 fail in this regard. While Mr. Romanzi’s lack of professionalism and courtesy is not alone determinative, it further counsels against granting him admission.

Conclusion

After considering the Petition and other information related thereto, the panel unanimously concludes that Mr. Romanzi is not of satisfactory character to practice in the Western District of Michigan at this time. With that said, Mr. Romanzi should be given an opportunity to renew his request at a later date, but only after addressing the issues identified herein.

IT IS HEREBY ORDERED that the Petition of Craig S. Romanzi, Esq. for admission to the Western District of Michigan is DENIED.

IT IS FURTHER ORDERED that Craig S. Romanzi, Esq. may renew his Petition for Admission on September 14, 2019.

IT IS FURTHER ORDERED that the Clerk of Court shall serve a copy of this Opinion and Order upon Craig S. Romanzi, Esq. via first class United States mail at the following addresses:

Craig S. Romanzi, Esq.
Craig S. Romanzi, PC
3 Park Lane Blvd., Suite 1600W
Dearborn, MI 48126

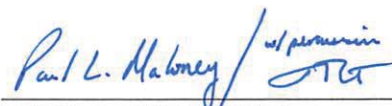
Craig S. Romanzi, Esq.
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P.O. Box 40430
Rochester, MI 48307

Craig S. Romanzi, Esq.
Craig S. Romanzi, PC
31000 Northwestern Hwy., Suite 220
Farmington Hills, MI 48334

¹² The United States District Court for the Eastern District of Michigan has a similar code of civility. CIVILITY PRINCIPLES (E.D. Mich.), *available at* <https://www.mied.uscourts.gov/index.cfm?pagefunction=rulesPlansOrders> (follow link for “Civility Principles”).


IT IS FURTHER ORDERED that the Clerk of the Court or his designee shall sign and file this Opinion and Order.

Date: September 20, 2018

 *Paul L. Maloney* / *w/ permission JTG*

PAUL L. MALONEY
United States District Judge

Date: September 20, 2018

 *Ellen S. Carmody* / *w/ permission JTG*

ELLEN S. CARMODY
United States Magistrate Judge

Date: September 20, 2018

 *John T. Gregg*

JOHN T. GREGG
United States Bankruptcy Judge