

Court of Appeals, State of Michigan

ORDER

Candi Ottgen v Abdalmaiijid Katranji MD

Docket No. 350767

LC No. 19-000266-NH

Thomas C. Cameron
Presiding Judge

Stephen L. Borrello

James Robert Redford
Judges

On its own motion, the Court orders that counsel for plaintiff, attorney James Heos, P26210, is directed to pay \$3,000 to this Court for his conduct during oral argument on May 11, 2021. As clearly reflected in the remote, videotaped record of the proceedings, attorney Heos raised his middle finger toward the camera while opposing counsel was arguing. When members of this panel questioned attorney Heos regarding his obscene gesture, he denied doing so, although the record plainly reflects that he did so. The Lawyer's Oath requires counsel to swear or affirm that he will "maintain the respect due to courts of justice and judicial officers," "abstain from all offensive personality," and "conduct myself personally and professionally in conformity with the high standards of conduct imposed upon members of the bar as conditions for the privilege to practice law in this State." Mr. Heos exhibited shameful disrespect to the Court and to opposing counsel in his offensive gesture and his dishonest replies to the Court's inquiries. Counsel's conduct displayed a general lack of civility and respect for the Court, which is prohibited by the Michigan Rules of Professional Conduct, including MRPC 3.5(d) which provides that a lawyer shall not "engage in undignified or discourteous conduct toward the tribunal." Further, Mr. Heos violated MRPC 3.3(a)(1), which provides that a lawyer shall not knowingly "make a false statement of material fact or law to a tribunal." Accordingly, we admonish counsel for his disrespectful conduct and determine that sanctions are warranted for his contempt. MCL 600.1701(a),(c); MCL 600.1711(1); MCL 600.1715. See also *In re Dudzinski*, 257 Mich App 96, 108; 667 NW2d 68 (2003) (ruling that "[c]ontempt committed in the immediate view and presence of the court may be punished summarily by fine, imprisonment, or both.") In light of counsel's behavior, we direct the Clerk of this Court to refer attorney Heos to the Attorney Grievance Commission for investigation regarding his conduct referenced above. See MCR 7.216(A)(7); MCR 9.104; MRPC 3.3(a)(1); MRPC 3.5(d).



Presiding Judge



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

May 20, 2021

Date



Chief Clerk