

February 17, 2004

Corbin R. Davis
Supreme Court Clerk
Michigan Supreme Court
Michigan Hall of Justice
P.O. Box 30052
Lansing, MI 48909

Re: Mishkoff v Attorney Grievance Commission, Supreme Court #125466

This is in response to a letter to you from Douglas W. Sprinkle dated February 4, 2004.

Uncontested Evidence

Before I respond to some of Mr. Sprinkle's statements, I feel that it is most important that I point out what he did **not** include in his letter.

Mr. Sprinkle has admitted several times that his statements to the US Court of Appeals were false; however, he claims that his misstatements were unintentional and that they concerned issues that were not material to the appeals hearing. In order for his actions to be considered a violation of the Code of Ethics, Mr. Sprinkle would have had to have violated all three provisions of the article in question (falsity, intent, and materiality).

In my previous communication with the Court and in my various communications with the Attorney Grievance Commission, I have provided evidence that Mr. Sprinkle's statements were intentional. He has never responded to that evidence in any way. I assumed that his response to my evidence would be contained in his letter to the Court, but once again he has failed to respond. I have also provided the Court and the Commission with evidence that Mr. Sprinkle's false statements were material – and again, his letter to the Court failed to address that evidence as well.

We are now in the position where Mr. Sprinkle has admitted to one of the three elements of the ethics violation and has failed to respond to evidence of the other two elements. Since one of the elements is admitted and evidence of the other two elements is uncontested, I don't understand why the Commission chose not to proceed with its investigation into this matter. If the Commission will not investigate uncontested charges, what are the conditions that **would** lead them to investigate an ethics complaint?

My “Well-Publicized Threat”

Mr. Sprinkle’s letter to the Court included this sentence:

“This is nothing more than the Complainant fulfilling his well-publicized threat to ‘go after’ the attorneys even though he has suffered absolutely no harm.”

This statement is an attempt by Mr. Sprinkle to distract the Court by questioning my motives, rather than responding to the evidence that I have submitted. The statement is also notable in that nearly every word in the sentence is either false or misleading.

Mr. Sprinkle is referring to this passage from my website, which he has quoted previously in these proceedings:

“In any event, at long last, this entire matter finally appears to be over. Unless, of course, I decide to initiate some kind of action against *them*... Stay tuned.”

I would like to call the Court’s attention to the following points:

“to ‘go after’”: You’ll notice that my statement does not include the words “go after,” despite the fact that Mr. Sprinkle enclosed them in quotation marks in his version of my statement. Mr. Sprinkle is clearly trying to influence the Court with language that is harsher and cruder than anything that I’ve actually said – and he enclosed his inflammatory phrase in quotation marks to lead you to believe that the words were mine.

“well-publicized”: Not only was my statement not “well-publicized,” as far as I know it has not been publicized at all. Dozens of articles have indeed been written about the case – but as far as I know, not one of them has mentioned the statement in question.

“he has suffered absolutely no harm”: Mr. Sprinkle’s firm pursued an abusive course of litigation against me for two years. I had to spend so much time defending myself from the spurious allegations that I had to forego tens of thousands of dollars in billable hours. (I am an independent computer consultant) Ultimately, the suit was found to have so little merit that, as Mr. Sprinkle points out, “he won his case hands down.” Mr. Sprinkle’s curious characterization of these events is that I “suffered absolutely no harm.” However, even though it is false, Mr. Sprinkle’s contention misses the point entirely, as the question at hand is not whether his cynically deliberate false statements in Court harmed me, but whether they harmed the legal system.

“the attorneys”: Not only did I never threaten to “go after” the attorneys, you’ll notice that the statement that Mr. Sprinkle chose to misrepresent never mentioned “attorneys” at all. In fact, the paragraph that immediately precedes the material to which Mr. Sprinkle refers mentions Mr. Sprinkle’s client, not Mr. Sprinkle nor any other attorney. The paragraph that precedes *that* paragraph does refer to one of Mr. Sprinkle’s partners – but I referred neither to Mr. Sprinkle nor to attorneys in general anywhere on that page in any context whatsoever.

“threat”: The actions about which Mr. Sprinkle is complaining are that (1) I stated that I might take some kind of action, and (2) I subsequently filed an ethics complaint. Frankly, I think that it is incredibly misleading to characterize my statement as a “threat,” with all of the negative implications that the word imparts, when my simple statement contained none of those implications.

Conclusion

Unless gratuitous insults and questions about my motivation can be considered to be responsive, Mr. Sprinkle has passed up yet another opportunity to respond to the evidence that I have submitted to the Commission and to the Court. I urge the Court to take whatever steps are necessary to ensure the further investigation of my complaint.

Henry C. Mishkoff

cc: Douglas W. Sprinkle
Attorney Grievance Commission