

NOTICE OF REVOCATION AND RESTITUTION

Case Nos. ADB 123-89; 92-258-GA; 93-15-GA; 93-77-GA

D. Richard Miller, P-33456, Oak Park, Michigan, by the Attorney Discipline Board consolidating four separate hearing panel orders of discipline and petitions for review.

- 1) Revocation;
- 2) Effective February 24, 1994.

Case No. ADB 123-89

Tri-County Hearing Panel #3 found that respondent engaged in non-consensual sexually suggestive touching with three female employees and made offensive, crude and sexually suggestive remarks to them; knowingly made a false statement in his answer to the Request for Investigation; and knowingly caused a letter signed by his employees containing a false statement to be sent to the AGC in an attempt to obstruct the its investigation. The panel found that respondent's conduct violated MCR 9.104 (1)-(4)and(6); MCR 9.113(A); and Michigan Rules of Professional Conduct 8.1(a)and(b) and 8.4(a)-(c). The panel ordered a 37-month suspension.

Case No. 92-258-GA

Respondent was retained in a variety of matters, including probate, annulment, child custody and domestic relations, and was appointed in a criminal appellate proceeding. Tri-County Hearing Panel #22 found that respondent neglected the criminal appellate matter; failed to file required pleadings; failed to comply with clients' requests for itemized statements of services rendered; charged clearly excessive attorney fees; sought to collect fees for services performed after he was discharged and for his time in responding to a Request for Investigation; failed to comply with Attorney Grievance Commission written requests for detailed statements of services rendered; and failed to comply with an AGC Subpoena Duces Tecum. The panel found that respondent's conduct violated MCR 9.103(C); MCR 9.104(1)-(4); Michigan Rules of Professional Conduct 1.1(c); 1.3; 1.4; 1.5; 1.15(b); 3.2; 8.1(b); and 8.4(a)and(c); and Canons 1, 6 and 7 of the then-applicable Code of Professional Responsibility, DR 1-102(A)(1),(5)and(6); DR 6-101(A)(3); and DR 7-101(A)(1)-(3). The panel ordered a two year suspension and restitution to two clients in the amount of \$4,500.

Case 93-15-GA

Tri-County Hearing Panel #11 found that respondent appeared at the intake counter of a court clerk's office and "[g]rabbed the button located between the breasts of . . . [the] Deputy Court

Clerk . . . In response to [her] inquiry regarding why he had touched her, Respondent informed her, 'I just wanted to cop a feel' . . ." The panel found that respondent's conduct violated MCR 9.104(1)-(4) and Michigan Rules of Professional Conduct 3.5(c) and 8.4(a). The panel ordered a thirty-day suspension but directed that the respondent's reinstatement in accordance with MCR 9.123(A) would be conditioned upon the submission of a report from a psychologist or psychiatrist that respondent recognizes that his conduct was wrong and is capable of controlling his conduct.

Case No. 93-77-GA

Tri-County Hearing Panel #33 found that respondent's answer to the formal complaint failed to comply with MCR 2.111(C)(D), ordered that the answer be stricken, and granted petitioner's motion for entry of default and finding of misconduct. The panel found that respondent failed to provide competent representation to twenty-three appointed criminal appellate clients and one appointed probate appellate client; neglected the matters; failed to keep his clients reasonably informed; and knowingly disobeyed orders of the Michigan Court of Appeals. The panel found that respondent's conduct violated MCR 9.104(1)-(4); and the Michigan Rules of Professional Conduct, 1.1(c); 1.3; 1.4(a); 3.2; 3.4(c); and 8.4(a)and(c). Upon consideration of the established misconduct, the aggravating factors and the lack of evidence of mitigating factors, the panel ordered revocation of respondent's license.

Consolidated Petitions for Review

The respondent filed a petition for review in each of the four above-cited cases. Those cases were consolidated for review at the respondent's request. The Grievance Administrator filed a cross-petition for review in Case 93-15-GA. In an order and opinion issued April 20, 1995, the Board affirmed the findings of misconduct entered by the three panels in Case Nos. ADB 123-89; 92-258-GA and 93-15-GA. The Board further found that the default in Case No. 93-77-GA was improperly entered, reversed the hearing panel's finding of misconduct, and ordered that the matter be discontinued. (The Grievance Administrator's objection to the order of discontinuance remains pending.) Based upon the Board's finding that "[t]he respondent has engaged in a pervasive pattern of personal and professional misconduct," the Board concluded that his license to practice law in Michigan should be revoked effective February 24, 1994. Respondent filed a motion for reconsideration, which was denied by the Board on May 25, 1995. Costs were assessed in the total amount of \$10,915.81.