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Attorney Discipline Board



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NOTICE OF SUSPENSION

File No. DP 52/86


O. Lee Molette, P 17877, 410 Palms Building, Detroit, MI 48226 by the Attorney Discipline Board modifying a hearing panel order of suspension.

- 1) Suspension - three years;
- 2) Effective February 22, 1986.

In an order filed January 27, 1988, the Attorney Discipline Board affirmed the three year suspension imposed by the hearing panel but modified the effective date. Respondent has been suspended continuously since February 22, 1986, the effective date of an order of suspension issued in a previous case (see Notice of Suspension dated June 13, 1986 in File No. DP 128/84). The three-year suspension in this case is ordered to run concurrently with Respondent's suspension in the previous matter.

Based upon the evidence presented, the panel concluded that Respondent was retained to represent a client in a criminal proceeding in the United States District Court in Detroit, Michigan. Contrary to his obligations to represent his client competently and expeditiously and despite letters, notices and orders from both the District Court and the Court of Appeal, Respondent failed to pursue appropriate appellate remedies on behalf of his client with the result that the appeal was dismissed for want of prosecution. Respondent's conduct was found to be in violation of MCR 9.104(2-4) and Canons 1, 6 and 7 of the Code of Professional Responsibility, DR 1-102(A)(5,6); DR 6-101(A)(2,3) and DR 7-101(A)(1-3).

In determining the appropriate level of discipline, the hearing panel and the Board considered Respondent's prior history of professional misconduct which has resulted in three orders of reprimand issued in 1971, 1976 and 1978 and five suspension orders issued since 1983 with suspensions ranging from thirty to 120 days. Costs in these proceedings were assessed in the amount of \$346.11.



John F. VanBolt

Dated: FEB 26 1988