

Attorney Discipline Board



BOARD MEMBERS
 JOHN L. COTE, CHAIRPERSON
 LEO A. FARHAT
 MSGR. CLEMENT H. KERN
 DAVID BAKER LEWIS, SECRETARY
 FRANK J. MCDEVITT, D. O.
 WILLIAM G. REAMON
 LYNN H. SHECTER,
 VICE-CHAIRPERSON

MAILING ADDRESS:
 P. O. BOX 149
 DETROIT, MICHIGAN 48231

JOHN F. X. DWAIHY
 EXECUTIVE DIRECTOR &
 GENERAL COUNSEL
 SUITE 1260
 333 W. FORT STREET
 DETROIT, MICHIGAN 48226
 TELEPHONE: (313) 963-5553

NOTICE OF SUSPENSION

62, 105, 136, 145 & 165/81

RONALD MARCHIONE (P 23550), 2614 Niles Ave., St. Joseph, MI, 49085, by Attorney Discipline Board 36th Circuit Hearing Panel "A".

- (1) Suspension;
- (2) For a period of one hundred eighty days (180);
- (3) Effective April 7, 1983.

The hearing panel made the following findings:

Respondent neglected three criminal appeals for periods up to three years after receiving retainer fees and failed to answer the Grievance Administrator's request for investigation regarding said appeals.

Respondent neglected a civil matter resulting in default against his corporate client and a motion to set aside default was denied; Respondent received the agreed fee of \$450 but took no further action and failed to communicate with substitute counsel.

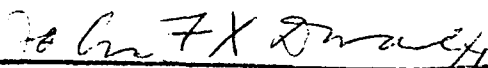
Respondent received a \$500 retainer, took some action to pursue a civil complaint, but thereafter neglected the matter, failed to communicate with the client resulting in dismissal for lack of progress and failed to notify the client of said dismissal while billing the client for clearly excessive fees. Respondent filed a similar suit for the same client which was dismissed due to Respondent's neglect, yet charged a clearly excessive fee and failed to notify the client regarding the status and dismissal of the cause. Respondent filed a civil suit on behalf of the daughter of said client but failed to provide a notice of expert witnesses and failed to prepare for trial, agreeing to dismiss the action without the knowledge and consent of the client who travelled from the State of Texas to attend trial and Respondent misrepresented that the suit had been settled for \$250 to conceal dismissal and mishandling of the matter; Respondent then billed the parents of said client for clearly excessive fees plus costs.

Respondent entered into an agreement with a land contract vendee indebted to his clients and obtained in his own name, by assignment, the vendee's interest; said vendee was in default and was subject to enforcement of an acceleration clause. Respondent prepared promissory notes totalling \$11,200 calling for payment without interest by


Respondent, said acquired personal interest having impaired his professional judgment. Respondent did not advise said client that they should seek independent counsel, refused to honor said note, and failed to answer a request for investigation regarding said transaction. The clients sued for possession of said real property and Respondent agreed to return the property by deed and deliver said deed and keys in exchange for the two promissory notes evidencing Respondent's obligation; the clients agreed and prepared to consummate said exchange but were later confronted with an added condition, to-wit: that they would not proceed with grievances made against Respondent including grievances totally unrelated to said land contract matter. Respondent thereby attempted to influence a pending grievance investigation by exerting financial and/or legal pressure on complainant.

Respondent neglected a divorce matter, failed to communicate the status of the case to the client and failed to answer the request for investigation in regard thereto.

The hearing panel found violations of the following disciplinary rules: GCR 1963, 953(1-4) and (7) and 962.2(b), Canons 1, 2, 5, 6 and 7 of the Code of Professional Responsibility, to-wit: DR1-102(A), DR2-106(A), DR5-101(A), DR5-104(A), DR6-101(A)(3) and DR7-101(A)(1-3). The panel noted no prior disciplinary action.



JOHN F. X. DWAIHY, Executive Director
& General Counsel



DAVID BAKER LEWIS, Secretary of the
Attorney Discipline Board