

## Attorney Discipline Board



BOARD MEMBERS  
 JOHN L. COTÉ, 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

35391-A

O. LEE MOLETTE (P 17877), 2121 First National Bldg., Detroit, MI, 48226, by Order of the Michigan Supreme Court denying Respondent's application for leave to appeal the decision of the Discipline Board. The Board increased the panel discipline of reprimand to a suspension of 30 days which was stayed pending Respondent's appeal to the Supreme Court.

- (1) Suspension;
- (2) For a period of thirty (30) days;
- (3) Effective December 2, 1982.

The Board found that Respondent was retained to collect property damages, that Respondent failed to communicate with the clients regarding the status of the matter, that Respondent promised that suit would be filed, that approximately two years later, Respondent wrote to the client indicating that the matter would be settled within six months and thereafter filed suit one day before expiration of the statute of limitations, that Respondent agreed to a discontinuance of the cause with prejudice and without costs without the client having received settlement payment. Prior to hearings by the discipline hearing panel, Respondent paid the plaintiff-client \$1,440 in lieu of a settlement (the client was to receive an additional \$500 from the defendant's insurance carrier). Respondent also failed to answer two separate Requests for Investigation. The Grievance Administrator appealed arguing that reprimand was insufficient in light of a previous record of misconduct and that "mitigation" of Respondent's settlement with the client prior to panel proceedings was irrelevant. It was noted that Respondent had received four prior reprimands between 1976 and 1979.

The Board noted that every effort should always be made to make full restitution, but that such efforts are considered as mitigation, not exculpation. Costs were assessed in the amount of \$247.60.

*John F. X. Dwaihy*  
 JOHN F. X. DWAIHY, Executive Director  
 & General Counsel

*David Baker Lewis*  
 DAVID BAKER LEWIS, Secretary of the  
 Attorney Discipline Board

DEC 8 1982