

## Attorney Discipline Board



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 COUNSEL/ADMINISTRATOR  
 SUITE 1260  
 333 W. FORT STREET  
 DETROIT, MICHIGAN 48226  
 TELEPHONE: (313) 963-5553

This is to inform the Courts of the State of Michigan of the following Order of Discipline:

NOTICE OF SUSPENSION

File No. 36218-A

DONALD R. McLEAN (P17496), 426 W. Parklane Towers, Dearborn, MI 48126, by Attorney Discipline Board Wayne Circuit Hearing Panel "A".

- (1) Suspension;
- (2) For a period of six months;
- (3) Effective October 14, 1980.

Respondent was charged with pleading guilty in Oakland County Circuit Court to embezzlement by a trustee of less than One Hundred (\$100) Dollars and welfare fraud under Five Hundred (\$500) Dollars, both misdemeanors. Respondent was placed on probation for a period of one year. The Formal Complaint alleged violations of GCR 969.1 and GCR 953 (5).

The Panel made the following findings: Respondent had been appointed Guardian of a mental incompetent in Oakland County Probate Court and did improperly use funds from his ward's estate for his own personal use; Respondent made restitution to the ward's estate for such diverted funds; Respondent failed to report to Social Welfare authorities that his ward had inherited a substantial sum of money and no longer required public assistance; Respondent's plea of guilty to the two misdemeanors was made upon advice of counsel and with full knowledge of the consequences; Respondent was, and continues to be, an alcoholic and is now a successfully-participating active member of Alcoholics Anonymous, adhering to the principles of therapy sponsored by said association; testimony of three expert witnesses including a physician and clinical psychologist disclosed that Respondent may have suffered a significant degree of diminished capacity as a result of mild organic brain disease existing at the time of the criminal offenses, said factor being considered in mitigation although not totally displacing the determination of the Circuit Court as to Respondent's guilt; contemporaneously with the time of the commission of the offense, Respondent was taken into protective custody by police authorities and was delivered to Wayne County General Hospital for psychiatric evaluation; the Circuit Court in sentencing Respondent placed him on probation for a period of one year. The Hearing Panel concluded that, in spite of several substantially mitigating factors and regardless of the amount of funds involved, Respondent did misappropriate client funds thereby committing a crime involving moral turpitude in violation of GCR 953 (5) and 969.1. Respondent was assessed costs of the disciplinary proceedings in the amount of One Thousand Two and 70/100 (\$1,002.70) Dollars. Neither Respondent nor the Grievance Administrator petitioned the Discipline Board for review of the Hearing Panel decision.

*David Baker Lewis*

David Baker Lewis, Secretary  
 ATTORNEY DISCIPLINE BOARD

October 21, 1980.