

Attorney Discipline Board



BOARD MEMBERS
FREDERICK G. BUESSER, JR.
JOHN L. COTÉ, CHAIRPERSON
MSGR. CLÉMENT H. KERN
DAVID BAKER LEWIS, SECRETARY
FRANK J. MCDEVITT, D.O.
WILLIAM G. REAMON
LYNN H. SPECTER,
VICE-CHAIRPERSON

JOHN F. X. DWAIHY
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 REPRIMAND

File No. DP-58/80

Related: 37113
36652

THOMAS A. RICCA (P23561), 144 Jefferson, Clawson, MI 48017, by Attorney Discipline Board Wayne Circuit Hearing Panel "P".

- (1) Reprimand;
- (2) Effective October 15, 1980.

Respondent was charged in the Formal Complaint with:

(1) Conviction of the criminal charge of loitering in or about a place of illegal occupation or business in violation of MCLA Section 750.167, which conviction resulted in a sentence of two years' probation, costs, and a restrictive condition that Respondent refrain from the practice of law for a period of twenty-one (21) months, said conviction being a violation of Canon 1, DR 1-102 (A) (1) (3) (4) (6) of the Code of Professional Responsibility and GCR 953 (1-5) and 969.

(2) Respondent was also charged with neglect of a certain civil matter pending in the United States District Court resulting in an order referring the matter to the United States District Court Chief Judge due to Respondent's alleged failure to take action on behalf of his client, failure to respond to court notices, failure to maintain a business address or alternate arrangements so that Respondent could be available to opposing counsel and failure to file a substitution or withdrawal or otherwise notify the federal court regarding Respondent's intentions in said pending civil action, said alleged misconduct being in violation of Canon 1, DR 1-102 (A) (1) (5) and (6), Canon 2, DR 2-110 (A) (2), Canon 6, DR 6-102 (A) (3) of the Code of Professional Responsibility and GCR 953 (1-4).

In regard to the misdemeanor conviction, the Panel concluded that the Grievance Administrator had failed to establish that said crime involved conduct coming within the scope of GCR 953 mandating disciplinary action and further ruled that GCR 969 was inapplicable to the offense in question that was not characterized as an offense of moral turpitude; the Panel further ruled that it was not established by a preponderance of the evidence that said misdemeanor was a violation of Canon 1, DR 1-102. In regard to Count II and the Respondent's alleged neglect in said federal civil matter, the Panel did find that the allegations had been proven and that said misconduct was in violation of Canon 1, Canon 2 and GCR 953 (1) and (2); however, the Panel did not find violation of Canon 6 or GCR 953 (3-4).

The Grievance Administrator filed a Petition for Review of the Panel discipline on the basis that the Panel had abused its discretion in rendering a Reprimand. The Attorney Discipline Board affirmed the Panel decision. No appeal was taken to the Supreme Court.

David Baker Lewis

David Baker Lewis, Secretary
ATTORNEY DISCIPLINE BOARD

October 21, 1980.