

Attorney Discipline Board



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

ORDER OF DISBARMENT

34966-A

ROBERT J. MOSKAL (P18023), 5090 State Street, Building C, Saginaw, Michigan 48603. Order of Suspension filed November 16, 1978, by 7th Congressional District Hearing Panel #1. Petition for Review filed by Grievance Administrator November 16, 1978. Discipline increased to disbarment by the Attorney Discipline Board, effective May 3, 1979.

Respondent was charged in a three count Formal Complaint alleging improper handling of client funds, issuing a check without sufficient funds, failure to promptly pay or notify said client regarding receipt of said funds; while acting as attorney for the fiduciary of an estate, personally borrowed substantial sums under a loan agreement partially guaranteed by the executrix of said estate, failed to file a Motion for Withdrawal after relinquishing responsibility for the file of said estate, failure to provide said executrix of Notice of a Claim against said estate; while acting, ostensibly, on behalf of a third party, inducing the executrix of said estate to make a loan of \$20,000.00 from her personal funds, issuance of checks in repayment of said loan which were dishonored upon presentment, failure to make full disclosure regarding Respondent's ability to repay said loans, failure to advise said client to seek the advice of independent counsel regarding the advisability of said loans and failure or neglect to protect the investment of said client.

Regarding Count I involving Respondent's failure to properly handle the funds of a client received pursuant to a consent judgment, the hearing panel found that the allegations in the complaint were proven and that Respondent had commingled and converted said funds. Count II of the complaint involving the making of a loan partially guaranteed by a client and failure to notify said client-executrix of a claim against the estate represented, was dismissed upon motion of counsel for the Grievance Administrator. The panel concluded that the factual allegations in Count III of the complaint were proven; however, the panel found no violation DR 7-101 (A) (2) involving failure to carry out a contract of employment or DR 6-101 (A) (3) involving neglect of the matter. The panel did find violations of the following rules: Canon 1, DR 1-102 (A) (3-6), Canon 5, DR 5-101 (A), DR 5-104 (A), Canon 6, DR 6-101 (A) (3), Canon 7, DR 7-101 (A) (2), Canon 9, DR 9-102 (B) (1) (4).

David Baker Lewis

David Baker Lewis, Secretary
Attorney Discipline Board