

STATE OF MICHIGAN

Attorney Discipline Board

Grievance Administrator,
State of Michigan
Attorney Grievance Commission,

Petitioner/Appellant,

v

William L. Peper, P 40794,

Respondent/Appellee.

91-129-GA; 91-158-FA

Decided: June 11, 1992

BOARD OPINION

The respondent's misconduct was established by his default for failure to answer the formal complaint. The respondent appeared before the panel and offered testimony in mitigation. The hearing panel, after considering the aggravating and mitigating factors submitted by the parties, ordered that the respondent's license to practice be suspended for thirty days, with further conditions as authorized by MCR 9.106(2). These conditions included an order that the respondent seek personal counseling to deal with an admitted inability to comply with deadlines, that he continue such counseling for at least sixty days and that he and his counselor submit written monthly reports to the panel, the board and the administrator. The panel directed the respondent and the administrator to submit additional proposed restrictions for consideration by the panel.

The Grievance Administrator's petition for review was filed November 8, 1991. It asserts that a suspension of thirty days with conditions is insufficient discipline in view of the nature of the respondent's misconduct. Respondent Peper's suspension from the practice of law became effective November 9, 1991 and was terminated February 5, 1992 with his filing of an affidavit in accordance with MCR 9.123. On January 17, 1992, the Grievance Administrator and the respondent filed a written stipulation in which it was agreed that the sixty-day period of supervision ordered by the panel should be increased to six months. The parties agreed that during that period, the respondent would continue therapy and would perform legal services only under the direct supervision of a supervising attorney.

The sole issue presented in the petition for review is whether a longer period of suspension is warranted. The board is not persuaded that additional suspension of the respondent's license is required to further

the aims of the disciplinary process. We believe that the hearing panel properly focused upon the respondent's underlying problems and attempted to fashion an order of discipline designed to assist the respondent in overcoming those problems. Therefore, the panel's decision to impose a suspension of thirty days is affirmed. The further conditions imposed by the panel and stipulated to by the parties are modified to the extent that the period of supervision by another attorney is extended to one year commencing with the respondent's return to the active practice of law.

At the review hearing, the Board was presented with a copy of an evaluation from a licensed psychologist, dated October 22, 1991, together with a letter from the psychologist dated February 3, 1992 stating that the respondent had made satisfactory progress as the result of that treatment, and that, in the psychologist's opinion, "he has acquired the skills that he needs to function in an appropriate manner in the future whenever he practices law". The conditions stipulated to by the parties are further modified by eliminating the requirement that the respondent continue to undergo medical and/or psychological treatment.