

STATE OF MICHIGAN

Attorney Discipline Board

Grievance Administrator,
State of Michigan
Attorney Grievance Commission,

Petitioner/Appellant,

v

Donald L. Sugg, P 38874,

Respondent/Appellee.

Case No. 91-200-GA; 91-236-FA

Decided: April 22, 1992

BOARD OPINION

The respondent, Donald L. Sugg, failed to answer the formal complaint, Case No. 91-200-GA, filed October 29, 1991 and failed to answer a supplemental complaint, 91-236-FA. The respondent failed to appear at the hearing conducted before the Saginaw County Hearing Panel of the Attorney Discipline Board on December 18, 1991. Respondent's default was deemed to constitute his admissions to the allegations of misconduct. The panel found that the respondent was appointed to file an appeal in a civil case, but failed to file a claim of appeal with the Court of Appeals; the respondent falsely represented to a probate judge that the appeal was being handled properly; the respondent failed to answer the Request for Investigation filed by the judge and the respondent failed to answer the formal complaint filed by the Grievance Administrator. The conduct of respondent Sugg was found by the panel to be in violation of MCR 9.104(1-4,7); MCR 9.103(C); MCR 9.113(B)(2) and the Michigan Rules of Professional Conduct, Rules 1.1(c); 1.2(a); 1.3; 3.2; 8.1(b) and 8.4(a-c).

The Grievance Administrator has filed a petition for review on the grounds that the thirty-day suspension imposed by the hearing panel is inappropriate. We agree. Discipline in this case is increased to a suspension of fifteen months.

For the reasons stated by the board in prior opinions, including Matter of Peter H. Moray, Case No. DP 143/86; DP 157/86, March 4, 1987 [Reprimand increased to suspension of 150 days], the respondent's failure to appear at any stage of these proceedings warrants the imposition of a suspension of sufficient duration to require that the respondent's reinstatement to practice of law be conditioned upon his personal appearance before a hearing panel, as required by MCR 9.123(B) and MCR 9.124.

We have further considered, however, the panel's finding that the respondent neglected a sensitive legal matter entrusted to him by a probate judge. He then misrepresented the status of the case to his clients and to the court. It is the fundamental duty of every lawyer to be truthful in his or her dealings with clients and tribunals. This respondent's violation of that duty, combined with the other factors in this case, warrants a suspension of the respondent's license to practice law for a period of fifteen months and until he has established his eligibility for reinstatement.