

GRIEVANCE ADMINISTRATOR,  
Petitioner/Appellant,

v

G. MICHAEL DOROSHEWITZ, P-34171  
Respondent/Appellee.

ADB 138-89; 154-89; 156-89; 163-89

Decided: July 3, 1990

BOARD OPINION

The Grievance Administrator has filed a petition for review seeking an increase in the discipline imposed by a hearing panel. The Administrator argues that a suspension of 120 days is insufficient in light of the pattern of misconduct presented by the respondent's repeated neglect of legal matters and his failure to answer the Requests for Investigation and formal complaints served upon him during these proceedings. Following review of the whole record and the arguments presented, the Board will increase discipline in this case to a suspension of 180 days with additional conditions requiring his continued alcohol rehabilitation for a period of one year. The restitution to clients ordered by the panel is affirmed.

The respondent appeared before Wayne County Hearing Panel #19 at the scheduled hearing on November 28, 1989. At that time, defaults had been entered on each of the four complaints consolidated for hearing. The allegations in these complaints establish a persistent pattern of neglect and inattention including the respondent's failure to provide legal services to six separate clients, failure to answer six Requests for Investigation and failure to answer two complaints.

Respondent Doroshewitz is an alcoholic. This admission and his critical self-assessment are set forth in the transcript of the proceedings before the hearing panel. Respondent testified that he was treated for his serious alcohol problem in April 1989. Since then he regularly attended Alcoholics Anonymous meetings and took antabuse medication. He testified that he has not worked on any files since early 1989.

The hearing panel concluded that while the respondent's open recognition of his problem would materially assist in bringing about his recovery, they believed that his continued practice of law could potentially subject his clients and the public to harm. The panel's order of suspension for 120 days included provisions for the restitution of unearned fees to six clients.

The Grievance Administrator's request for an increase in discipline is based upon certain similarities between this case and a 1989 case, Matter of John G. Harte, ADB 59-88; 125-88; 144-88; 157-88; 227-88, Brd. Opn. August 1989. In Harte, the respondent was charged with fifteen counts of misconduct and the respondent's admitted addiction to cocaine and alcohol was

considered in mitigation. The Board reduced the two-year suspension imposed by the panel to a one-year suspension with conditions that he continue attendance at AA meetings, that he continue to take antabuse as directed by a physician and that he be allowed to practice law only under the direct supervision of other attorneys.

We agree that similar conditions regarding the respondent's continued treatment would be appropriate in this case. The order of suspension is therefore modified to include conditions imposed pursuant to MCR 9.106(2) that he continue attendance at AA meetings, no less than once a week; that he provide written proof of that attendance to the Discipline Board and Grievance Administrator on a quarterly basis; and that he continue antabuse treatment until his physician certifies that it is no longer necessary. These conditions shall commence with the effective date of this order and shall continue for a period of one year following the respondent's reinstatement.

The reinstatement procedures described in MCR 9.123(B) and MCR 9.124 will provide the respondent with an opportunity to demonstrate to a hearing panel that he has regained control of his life and that he is mentally and physically prepared to resume the practice of law. We do not believe that it is necessary to increase suspension to a period of one year merely to achieve an identical result with our ruling in Matter of John G. Harte, *supra*. While it is true that it is desirable to have uniformity among the discipline orders issued by the Board and its panels, the Supreme Court has noted that discipline cases, by their nature, are generally decided on their specific facts and it is difficult to achieve identical results. See Matter of Grimes, 414 Mich 483, 1982.

We believe, however, that an increase of discipline to a suspension of 180 days is warranted in light of the circumstances presented in this case, including the aggravating effect of the respondent's failure to file timely responses to the Requests for Investigation and formal complaints and his failure to appear at the review hearing adjourned to May 23, 1990 at his request.

John F. Burns, Hon. Martin M. Doctoroff, Remona A. Green, Hanley M. Gurwin, Robert S. Harrison and Theodore P. Zegouras.