

GRIEVANCE ADMINISTRATOR

v

ANTHONY B. MEISNER,

Respondent-Appellee

File No. DP 75/83

Decided: June 21, 1985

OPINION OF THE BOARD

The Grievance Administrator has filed a Petition for Review of the level of discipline imposed by the Hearing Panel. Respondent was charged in a 15 count Complaint with willful neglect and total failure to competently and zealously represent the legal interests of five clients and deliberate attempts to conceal his misconduct through material misrepresentations to clients and the Attorney Grievance Commission. Respondent was unable and/or failed to fully, forthrightly and candidly cooperate with the investigation of the Grievance Commission. Respondent failed to appear at the first hearing scheduled before the Panel and at two subsequent Board hearings. In light of the aggravating factors and the pattern of Respondent's misconduct, we increase the Panel's order of a two-year suspension to disbarment.

Respondent established a pattern of neglect and misrepresentation during the course of his representation of five clients over a period of seven years resulting in a 15 count Complaint. He fabricated accounts of his efforts to initiate court proceedings in an attempt to deceive clients, with false information which led the clients to reasonably believe that Respondent had undertaken to initiate suits on their behalf. Respondent also manufactured reports which indicated that settlements had been reached and funds would be forthcoming to the clients. Respondent's failure to seek the legitimate objectives of his clients, resulting in prejudicial and substantial abridgement of their rights, is severely aggravated by the several instances of deliberate misrepresentations regarding the status of the cases.

Respondent's apparent disregard for the fundamental principles and standards of his profession was exacerbated further by his failure to cooperate with the investigation of the Grievance Commission. This was exemplified by the false and misleading statements in his written answers to Requests for Investigation. Respondent also refused to provide information and pertinent documents during the investigation.

Respondent eventually admitted all of the charges. He engaged in an outrageous pattern of gross neglect, willful deception, and irresponsibility. In mitigation, he maintained that his ability was impaired because he was suffering severe physical and psychiatric disabilities during the period of time at issue. However, Respondent made absolutely no attempt to document any of the illnesses he offered as mitigation and the Panel was unwilling to accept these statements as a defense to the charges. However, the Panel was impressed with Respondent's candor at the hearing and his purported commitment to rehabilitation.

We find that a two-year suspension is insufficient to protect the public in light of the extent

of the deceit and dishonesty perpetrated in this case. Throughout the sequence of events, Respondent managed to systematically evince a facade of trustworthiness and credibility in contacts with his clients. This ability to convey a quality of sincerity cannot substitute in these proceedings for verifiable documentation of the alleged illnesses. While the Board is not insensitive to Respondent's unfortunate circumstances, the discipline imposed must be based upon the severity of the charges and the evidence in the record.

Indicative of his disregard for the disciplinary process, Respondent failed twice to appear at scheduled Board Hearings. Prior to the first of these hearings, a woman professing to be his wife called the Attorney Discipline Board and claimed Respondent was institutionalized. It was suggested that some documentation of the illness be filed with the Board. Later, a call was received from a physician who stated that Respondent had voluntarily submitted himself for institutional treatment. However, no one has appeared on Respondent's behalf and nothing has been added to the record to verify Respondent's inability to appear or submit sworn pleadings.

We thus conclude that misconduct which involves such repeated, premeditated and flagrant patterns of deceit warrants imposition of the highest level of discipline. Therefore, we increase discipline from a two-year suspension to disbarment.

ALL CONCUR.