

IN THE MATTER OF ALVAN G. MOORE,
Respondent,
File Nos. DP-36/82; DP-101/82;
DP-138/82; DP-15/82

ARGUED: January 18, 1984

DECIDED: March 12, 1984

OPINION OF THE BOARD

Respondent had stipulated to these facts: On three separate occasions he was retained to do collection work. In each instance he took physical possession of the client's files. The alleged aggregate worth of these files was over \$550,000 in accounts receivable. Respondent agreed to take whatever legal steps necessary to collect the funds, and agreed to remit any funds collected to the client, less attorney fees and costs. Respondent failed to remit the amounts collected and failed to return the files to the clients upon demand. Some of the files had been lost or abandoned. Respondent testified he was an alcoholic and the testimony of others indicated that his alcoholism and drug addiction was quite severe. Based on this mitigating evidence, the hearing panel suspended Respondent's license for 121 days followed by two years of probation pursuant to GCR 1963, 970.3.

We affirm the factual findings of the hearing panel but amend to clarify that the alleged value of the claims, \$550,000, was not collected or converted by Respondent. That figure represents the value of the files entrusted to Respondent, not the amount he failed to remit. However, we increase the discipline to a one year suspension in conjunction with the two year term of probation.

The record sufficiently supports the assertion that this is a case of substance abuse gradually and completely overcoming the ability to practice law competently within the meaning of GCR 1963, 970.3, and Respondent is, therefore, eligible for probation. However, the Board is persuaded that Respondent is not nearly ready to reenter the profession. A longer suspension is more commensurate with the gross neglect committed by Respondent and provides a greater assurance of public protection and rehabilitation prior to reinstatement. Given the severity of Respondent's illness and the absolute abandonment of his responsibilities, the suspension could have been of substantially greater length, but we note that, due to his illness, Respondent has already been out of practice for an extended period of time.

We also require that, within 30 days of the date of the Board's order, Respondent supply the board with a more specific treatment plan which includes a statement of intent to engage in formal, regular ongoing treatment with a physician or psychologist. Respondent must also furnish the Board with quarterly documentation of his counseling sessions and Alcoholics Anonymous meetings attended. Treatment shall continue until Respondent obtains and files a written statement of a treating physician and/or psychologist attesting to his progress and recommending termination of therapy. Attendance at sessions of Alcoholics Anonymous, which is strongly encouraged as an adjunct to the treatment plan, will not be accepted in lieu of formal psychiatric or psychological counseling in this case. It is also strongly suggested to Respondent that he make some further attempt to locate or account for files lost or misplaced during the period of his debilitation.

ALL CONCUR.