

IN THE MATTER OF JOHN D. HAGY,  
A Member Of The State Bar Of Michigan,  
Respondent  
File Nos. DP-153/82, DP-66/82, DP-99/82,  
DP-122/82 & DP-128/82

Decided: May 13, 1983

OPINION OF THE BOARD

Respondent neglected the legal affairs of several clients and made substantial misrepresentations to those clients. He failed to answer the resulting requests for investigation and formal complaint. The hearing panel issued an order of suspension of 100 days. The Grievance Administrator and Respondent appealed the discipline imposed. We increase discipline to a suspension of two years.

On July 10, 1980, while employed by a law firm, Respondent was retained to start bankruptcy proceedings for two clients. He never initiated proceedings and, apparently to conceal his neglect, misrepresented the status of the matter to the client and failed to answer the request for investigation [Tr, 17-18].

On July 15, 1980, Respondent was retained to institute a divorce action for a second client, again misrepresenting the status of the case to the client. Respondent falsely advised the client in September 1981 that a divorce judgment had been entered in her case. The client subsequently confronted Respondent regarding these misrepresentations; in response Respondent met the client at the courthouse and produced a purported divorce document. The document was in fact a forgery prepared by Respondent [Tr, 9-10]. Again, Respondent failed to answer the request for investigation of these matters.

In October 1980 Respondent was retained by a third client to commence a bankruptcy action. He neglected to commence proceedings, and made false representations to the client about the status of the case [Tr, 8]. Respondent again failed to answer the request for investigation.

In January 1981, Respondent was retained by a fourth client to handle a bankruptcy, failed to commence proceedings, made misrepresentations to the client and failed to answer the request for investigation [Tr, 8].

In July 1981 Respondent was served with a fifth request for investigation regarding alleged misconduct in a child custody case. Respondent did not reply [Tr, 8, 14-15]. In January 1982 Respondent failed to answer a sixth request for investigation concerning his representation to a client in a criminal matter [Tr, 8].

The misconduct outlined above was charged in three separate Formal Complaints each of which Respondent failed to answer. Subsequently two more Formal Complaints were filed, alleging only failure to answer the first three Complaints, and defaults were entered pursuant to GCR 962.

Respondent appeared at the scheduled hearing and admitted on the record each and every allegation in the Complaints. The panel ordered Respondent suspended for one hundred days. We amend the order of discipline, increasing the suspension to two years.

The course of misconduct recited above clearly indicates that protection of the public demands Respondent be suspended for a considerable period of time. In the matter of Trombly, 398 Mich 377, 247 NW2d 873 (1976).

The facts in the case lead us to conclude that Respondent lacks an adequate understanding of his responsibilities to his clients and the profession. Moreover, the repeated failures to communicate with the Grievance Commission demonstrate an attitudinal defect which causes us great concern that there is a potential for recidivism and perhaps even more serious breaches of ethics. The failures to answer, added to the clear pattern of misconduct demonstrated over an extended period, demands far greater assurance of public protection and a substantially greater deterrent effect.

We realize that Respondent's inexperience, embarrassment or humiliation may have affected his ability to deal candidly with the clients and the requests for investigation and Formal Complaints. Inexperience may be a factor for limited or isolated instances of disregard for the disciplinary rules, but this explanation falls far short of adequately explaining the violations in this case. Six requests for investigation went unanswered. Respondent defaulted on five Complaints. A lawyer who fails to act after such repeated prodding simply cannot be safely recommended to the public.

Indeed, such flagrant disregard for the Grievance Commission investigations and Complaints could have resulted in a greater sanction; however, the Board will give some weight to Respondent's relative youth and inexperience and the fact that he was saddled with a heavy caseload and apparently given little supervision.

Respondent is suspended for two years. Reinstatement will require satisfaction of the criteria for establishing fitness as set forth in GCR 1963, 972.2 including 972.2(6) demonstrating "a proper understanding of an attitude toward the standards that are imposed on members of the bar and will conduct himself in conformity with those standards."

Board Member William Reamon recused himself from participation and deliberations in this case. Board Vice Chairperson Lynn Shecter and Member Frank McDevitt did not participate in this matter.