

Lawyers' groups oppose returning convicted area attorney's license

By Tim Richard
staff writer

The Michigan Supreme Court, today and for the next few months, will ponder whether to readmit Irving A. August, 60, into the brotherhood of attorneys.

"His misconduct undermined the conduct of the U.S. Bankruptcy Court," said Murray J. Muscat of Birmingham, associate counsel for the Attorney Grievance Commission. "The AGC opposes readmitting August."

"The issue is not permanent disbarment but whether the perception of the public is important to the administration of justice in this state," Muscat said.

"He has demonstrated, by fact and law, that he is fit to re-enter," countered E. Phillip Colista, August's attorney. Colista blamed the AGC decision against his client on "amorphous notions or visceral reactions."

AUGUST, FORMER owner of Orchard Mall in West Bloomfield, had his law license revoked in 1983 when he was convicted in federal court on three counts: (1) conspiracy to manipulate the "blinddraw" system for picking bankruptcy judges, (2) obstruction of justice and (3) corruptly endeavoring to influence a court employee. Alleged purpose was to get his cases assigned to judges who would grant higher attorney's fees.

Sentenced to three concurrent terms of two years, the Oakland County attorney served 10 months in prison and was fined \$20,000. He was disbarred.

The employee, Kathleen Bogoff, also served a brief term. August and Bogoff have since married and have a son, court records show.

Since his release, August has worked as a financial advisor for Burt Bursloff, owner of Household Specialties, a manufacturer of clocks and mirrors, and as a paralegal for Dr. Ira Snider. August has issued disclaimers that he is not an attorney.

IN 1988 August applied for reinstatement of his law license. A hearing panel in Wayne County voted 2-1 against him. On review, the Attorney Discipline Board voted 4-1 in his favor.

Muscat, on behalf of the Attorney Grievance Commission, appealed the review decision to the state's highest court, arguing Tuesday that it shouldn't reinstate August.

"The court has issued a stay of his license," Muscat said after the hearing. The AGC filed its appeal Jan. 10, 1990. The Supreme Court agreed to hear it in December.

There's no guessing how long it will take the court to decide, but Muscat said, "We're hopeful it will be between now and October."

CENTRAL ISSUE, in Chief Justice

Michael Cavanagh's mind, is, "What significance should the underlying offense have?"

Colista blamed the "amorphous" gut reactions of two members of the hearing panel for wanting to deny August a reinstatement. They are saying "the severity of the offense" is more important than the fact August has been rehabilitated, Colista said.

"You have rehabilitation. You have a lawyer who has done well,"

said Colista, noting August had waited the full five years before asking reinstatement.

"What is being asked is that you go beyond the 'rules' in denying reinstatement, he told the court.

MUSCAT, ASKED by Cavanagh if the AGC would ever agree to reinstate August, said he would continue to oppose it.

"The court rules have never said a suspended attorney will get his li-

cense back," Muscat said. "He does not have a right to reinstatement. It's a privilege."

Muscat went on, "The effect may be a permanent disbarment. Perhaps he never will be reinstated." Muscat said reinstatement would amount to saying August is "qualified and fit to be recommended to the public as fit to be trusted."

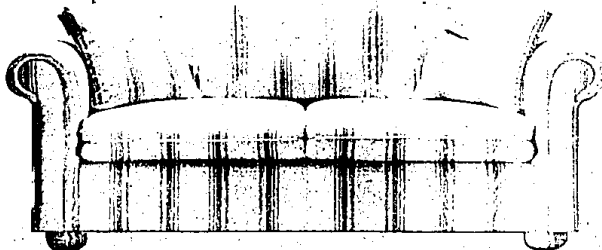
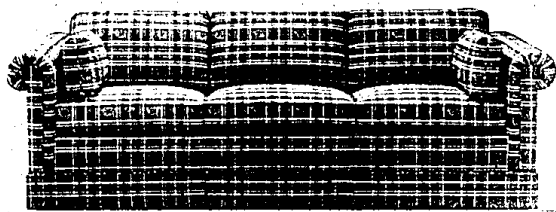
The State Bar Association filed an amicus (friend) brief on behalf of the AGC's appeal.



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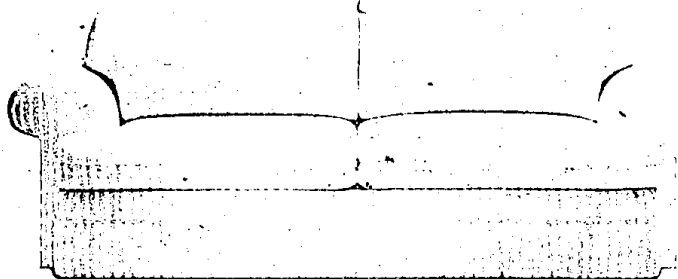
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