

NOTICE OF REPRIMAND

Case No. 96-292-GA

Notice Issued: February 26, 2001

Edgar J. Dew, P-34140, Detroit, Michigan, by the Attorney Discipline Board vacating Tri-County Hearing Panel #16's order of dismissal and increasing discipline to a reprimand upon remand from the Michigan Supreme Court.

1. Reprimand.
2. Effective February 24, 2001.

Formal Complaint 96-292-GA charged that respondent had committed professional misconduct, specifically: That respondent failed to timely file an application for leave to appeal on behalf of his client; failed to inform his client that the appeal was not timely filed; failed to timely inform his client that his appeal had been dismissed; and made false statements to his client regarding the matter. Respondent's conduct was alleged to be in violation of MCR 9.104(1)-(4); and Michigan Rules of Professional Conduct 1.1(a)-(c); 1.2(a); 1.3; 1.4; 3.2; and 8.4(a) and (c).

On September 22, 1997, the hearing panel issued an order dismissing Formal Complaint 96-292-GA. Petitions for review were filed on October 6, 1997 and October 9, 1997 by the complainant and Grievance Administrator, respectively. A review hearing was held on December 18, 1997 and the Attorney Discipline Board affirmed the hearing panel's dismissal in an order issued February 27, 1998.

On March 19, 1998, the Grievance Administrator filed an application for leave to appeal with the Michigan Supreme Court. The Supreme Court, on December 1, 1998, remanded the matter to the Attorney Discipline Board directing it to write an opinion that provides a rationale for affirming the dismissal. The Attorney Discipline Board issued a supplemental opinion on April 28, 1999, which included a determination that respondent had violated Michigan Rules of Professional Conduct 1.4 by failing to communicate adequately with his client. On June 30, 1999, the Supreme Court denied the Grievance Administrator's application for leave to appeal.

On September 1, 1999, the Grievance Administrator filed a motion to remand the matter to a new hearing panel for the imposition of discipline. The Attorney Discipline Board denied the Grievance Administrator's motion on the grounds that the Court's denial of leave had ended the case. On April 7, 2000, the Grievance Administrator filed an application for leave to appeal.

On November 29, 2000, the Supreme Court remanded the matter to the Attorney Discipline Board for a determination of discipline. On February 1, 2001, the Attorney Discipline Board entered an order of reprimand, finding that respondent had violated Michigan Rules of Professional Conduct 1.4(a) and (b). Costs were assessed in the amount of \$770.48.