

NOTICE OF REPRIMAND
(By Consent)

Case No. 96-42-GA

Sheldon Halpern, P-14560, Detroit, Michigan, by the Attorney Discipline Board affirming Tri-County Hearing Panel #17's Order of Reprimand (By Consent).

- 1) Reprimand;
- 2) Effective October 25, 1996.

Respondent was retained and paid \$6,000 to seek further appellate relief on behalf of the complainant, concerning a criminal matter. At the time of the retention, the complainant has already been denied appellate relief by the Court of Appeals. Approximately one year later, respondent filed a Motion for Leave to File a Delayed Motion for New Trial and for Evidentiary Hearing on the complainant's behalf. The motion was argued and denied. Thereafter, respondent agreed to seek relief in the Michigan Supreme Court on the complainant's behalf.

Respondent pled no contest to allegations that he failed to promptly file a Delayed Application for Leave to Appeal in the Michigan Supreme Court on the complainant's behalf; failed to respond to the complainant's inquiries or to keep the complainant reasonably apprised of the status of the matter; and failed to adequately supervise his law clerk in filing the Delayed Application for Leave to Appeal and Brief on Appeal to ensure the prompt and expeditious handling of the complainant's 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; 5.3(b); and 8.4(a) and (c).

The parties stipulated that respondent be reprimanded. Costs were assessed in the amount of \$84.86.

The complainant filed a petition for review seeking restitution of the \$6,000 attorney fee. In an order entered December 27, 1996, the Attorney Discipline Board affirmed the panel's order in all respects.