

NOTICE OF SUSPENSION AND RESTITUTION

Case Nos. 92-218-GA; 92-256-FA

Sheldon Halpern, P-14560, Detroit, Michigan, by the Attorney Discipline Board reducing a hearing panel order of suspension for ninety days, and by the Michigan Supreme Court modifying the Board's order by adding restitution.

- 1) Suspension - thirty (30) days;
- 2) Effective December 17, 1994.

Respondent failed to timely answer Formal Complaint 92-218-GA, but appeared at the hearings held in Detroit on November 19, 1992, July 22, 1993 and September 14, 1993. Respondent's default was entered, and the panel determined that the default established the allegations of that Formal Complaint.

Respondent was retained to represent a defendant in post-conviction proceedings and accepted a \$5000 fee, but failed to file an application for delayed claim of appeal for over five months; failed to perfect the claim of appeal; failed to file a second claim of appeal for over one year; failed to keep his client reasonably informed; failed to respond to the inquiries of his client's agent for over ten months; failed to refund the unearned portion of the attorney fee; failed to promptly return transcripts entrusted to him by his client's agent; failed to exercise adequate supervision over his law clerk to ensure that the first claim of appeal was perfected; and once he discovered that the first claim of appeal had been dismissed, failed to ensure that a new application for delayed claim of appeal was filed prior to the expiration of the time limit for same.

Respondent's conduct was found to be in violation of MCR 9.104(1)-(4); and Michigan Rules of Professional Conduct 1.1(c); 1.3; 1.4; 1.15(b); 1.16(d); 3.2; 5.3(b)and(c); and 8.4(a)and(c).

On October 28, 1993, Tri-County Hearing Panel #20 entered an Order of Suspension and Restitution directing that respondent be suspended from the practice of law in Michigan for ninety days and make restitution to the complainant in the amount of \$5000.

Respondent filed a petition for review. On February 17, 1994, the Attorney Discipline Board entered an order reducing discipline to a thirty-day suspension and vacating the restitution ordered by the panel.

The Grievance Administrator and the respondent each filed an application for leave to appeal. On October 25, 1994, the Michigan Supreme Court entered an order modifying the Board's order by

adding restitution in the amount of \$3,500 and denying the applications for leave to appeal.

On November 11, 1994, the Board entered an Order Modifying Effective Date of Suspension. The suspension is deemed to be effective December 17, 1994.

Costs were assessed in the amount of \$1,456.63.