

NOTICE OF SUSPENSION

Case Nos. 92-231-GA; 92-250-FA

Arthur W. Whelan, Jr., P-22234, St. Clair Shores, Michigan, by the Attorney Discipline Board vacating a hearing panel order of reprimand.

- 1) Suspension - 60 days;
- 2) Effective October 5, 1993.

Respondent failed to answer the formal complaints, but appeared at the hearings held in Mt. Clemens on November 17, 1992 and January 5, 1993. Respondent's defaults were entered, and the panel determined that the defaults established the allegations of the formal complaints.

Respondent was retained by a plaintiff in a civil matter, and a judgment was entered in favor of respondent's clients. Following the entry of the judgment, respondent failed to file a motion to tax costs against the defendants; failed to seek to collect the judgment; failed and/or refused to communicate with his clients regarding the status of the matter or to respond to their inquiries; and, failed to answer the request for investigation.

Respondent's conduct was found to be in violation of MCR 9.104(1)-(4)and(7); MCR 9.103(C); MCR 9.113(A); MCR 9.113(B)(2); and the Michigan Rules of Professional Conduct, 1.1(c); 1.3; 1.4(a); 3.2; 8.1(b); 8.4(a)and(c). On February 15, 1993, Tri-County Hearing Panel #106 entered an order of reprimand.

The Grievance Administrator filed a petition for review seeking an increase in the discipline imposed. In an order and opinion entered on September 13, 1993, the Attorney Discipline Board vacated the hearing panel order of reprimand and imposed a 60-day suspension, citing respondent's neglect of his obligations to a client, failure to answer a request for investigation and failure to answer a formal complaint, coupled with the aggravating effect of the respondent's lack of candor toward the hearing panel and disregard for the discipline process. Costs were assessed in the total amount of \$561.00.