

NOTICE OF REPRIMAND AND PROBATION
(By Consent)

Case Nos. 92-124-GA; 92-147-FA

Donald L. Correll, P35449, Lansing, Michigan, by Attorney
Discipline Board Ingham County Hearing Panel #1.

- 1) Reprimand and Probation;
- 2) Effective December 11, 1992.

The respondent and the Grievance Administrator filed a stipulation for consent order of discipline pursuant to MCR 9.115 (F)(5), which was approved by the hearing panel and the Attorney Grievance Commission. Respondent pled nolo contendere to the allegations contained in the formal complaints.

Respondent was appointed through the Michigan Appellate Assigned Counsel System to represent a defendant for the appeal of his criminal conviction. The complaint alleged that respondent failed to visit his client for approximately eight months after he was appointed to represent him; failed to communicate with his client; failed to file an appellate brief; failed to file a claim of appeal; failed to advise his client of his opinion that no appealable issues existed; filed an application for leave to appeal on behalf of his client but for the sole purpose of "seeking to have this Court rule on counsel's motion to withdraw as appellate counsel"; and, after the application for leave to appeal was returned, he took no further action to appeal on his client's behalf.

Respondent was appointed through the Michigan Appellate Assigned Counsel System to represent another defendant for the appeal of his conviction. The complaint alleged that respondent failed to file an appellate brief; informed his client that he would prepare and file a pro per brief on his behalf, but failed to file the brief after it was signed by his client; stipulated to dismiss the appeal without his client's knowledge or consent; failed to keep his client advised concerning the status of the appeal; and failed to answer the request for investigation.

Respondent's conduct was alleged to be in violation of MCR 9.104(1-4,7); MCR 9.103(C); MCR 9.113(B)(2); and the Michigan Rules of Professional Conduct, 1.1(c); 1.2(a); 1.3; 1.4; 3.2; 8.1(b); 8.4(a,c). Costs were assessed in the amount of \$137.17.