

## NOTICE OF REPRIMAND

Case No. 90-22-GA

Elbert L. Hatchett, P14735, Pontiac, Michigan, by the Attorney Discipline Board affirming a hearing panel order of reprimand.

- 1) Reprimand;
- 2) Effective October 22, 1991.

The hearing panel found that misconduct was established by a preponderance of the evidence. Respondent was retained to represent an individual in post-conviction proceedings, but filed an untimely claim of appeal, failed to refile the claim of appeal, failed to visit the client in jail, failed to keep in adequate communication with the client, and failed to advise his client of the rejection of the claim of appeal.

Although the respondent's answer to the formal complaint admitted that he and his law firm were retained by the complainant, the respondent argued to the panel that responsibility for the appeal was delegated to other attorneys in the office and, further, that he had delegated to members of his staff the authority to sign pleadings and correspondence in his name. The panel ruled that the respondent was responsible for the pleadings filed over his purported signature, including the answer to the request for investigation and the answer to the formal complaint.

Respondent's conduct was found to be in violation of MCR 9.104(1-4); the Michigan Rules of Professional Conduct, 1.1(c); 1.3; 1.4(a); and Canons 1, 6 and 7 of the then-applicable Code of Professional Responsibility, DR 1-102(A)(1,5,6); DR 6-101(A)(3); DR 7-101(A)(1-3). The panel's order of reprimand was issued on November 14, 1990.

The respondent, the Grievance Administrator and the complainant each filed a petition for review. In an order issued September 30, 1991, the Attorney Discipline Board affirmed the hearing panel's order. Respondent filed a motion for reconsideration and stay of discipline, which was denied in an order issued November 12, 1991. Costs were assessed in the amount of \$924.14.