

# Attorney Discipline Board



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## NOTICE OF REPRIMAND

DP-7/81

ARTHUR W. WHELAN, JR. (P 22234), 26830 Koerber, St. Clair Shores, MI, 48080, by order of the Michigan Supreme Court denying complainant's application for leave to appeal the Attorney Discipline Board order of reprimand.

- (1) Reprimand;
- (2) Effective August 2, 1982. (Announcement of discipline delayed pending appeal to Supreme Court).

The Attorney Discipline Board vacated the hearing panel order dismissing the Formal Complaint and found that Respondent neglected processing of a certain criminal appeal. In its opinion, the Board noted that "communication between Respondent and complainant was infrequent and incomplete. Although complainant demanded that he be actively involved and included in the drafting of appeal pleadings, he was not always quick to assist counsel. However, Respondent's pursuit of complainant's input, especially concerning the factual issues of the case, was less than persistent. ...the client was allowed too much time and judgment in the research and drafting of the appeal. Respondent should have maintained firm control of the appeal, rather than abdicate the judgment and decision making role to his client. As appellate counsel, it was Respondent's duty to go forward with the action, notwithstanding the complainant-prisoner's failure or inability to supply him with information. The extreme deference to the client in this matter exacerbated the already inordinate delays which were known to Respondent." Costs were assessed in the amount of \$749.66.

*David Baker Lewis*

DAVID BAKER LEWIS, Secretary of the  
Attorney Discipline Board

Dated: May 25, 1983