

MEMBERS
ROBERT S. HARRISON
CHAIRMAN
HANLEY M. GURWIN
VICE CHAIRMAN
CHARLES C. VINCENT, M.D.
SECRETARY
HON. MARTIN M. DOCTOROFF
REMONA A. GREEN
PATRICK J. KEATING
THEODORE P. ZEGOURAS

STATE OF MICHIGAN

Attorney Discipline Board



JOHN F. VAN BOLT
EXECUTIVE DIRECTOR &
GENERAL COUNSEL

SUITE 1260
333 W. FORT STREET
DETROIT, MICHIGAN 48226
Area Code 313 963-5553

NOTICE OF REVOCATION

ADB 182-87

Elgin C. Wheeler, P 31456, 5130 Campfire Trail, Apt. B,
Florissant, MO 63033 by Attorney Discipline Board Wayne County
Hearing Panel #13.

- 1) Revocation;
- 2) Effective April 7, 1988.

The Respondent failed to answer the Formal Complaint and failed to appear at a hearing on December 17, 1987. The hearing panel found that Respondent was paid a retainer fee in the amount of \$2300 in November 1983. Respondent agreed in writing to file and argue a motion for new trial on behalf of a criminal defendant and, if unsuccessful, to file an appeal to the Court of Appeals and to the Supreme Court of Michigan. Respondent failed to provide legal services as agreed, failed to communicate with his client and failed to return the unused portion of the fee which was paid to him. Respondent also failed to answer the Request for Investigation submitted by the client and served by the Grievance Administrator. Respondent's conduct was found to be in violation of MCR 9.104(1-4); MCR 9.103(C); MCR 9.113(B)(2) and Canons 1, 2, 6 and 7 of the Code of Professional Responsibility, DR 1-102(A)(5-6); DR 2-110(A)(3); DR 6-101(A)(2-3) and DR 7-101(A)(3). Costs were assessed in the amount of \$100.32.

In its assessment of discipline, the panel considered Respondent's prior suspension for 120 days effective December 12, 1986. The panel ruled that it could not see "any serious difference between the respondent who accepts a retainer, and does not formally act for the client, and the attorney who steals money from the client. . . . The discipline should be the same as if the respondent, in fact, misappropriated money."


John F. VanBolt

Dated: APR 20 1988