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Attorney Discipline Board



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NOTICE OF SUSPENSION
CORRECTED AS TO EFFECTIVE DATE ONLY

File No. DP 89/86

Elgin L. Wheeler, P 31456, P. O. Box 392, Lathrup Village, MI 48076 by the Attorney Discipline Board increasing a 30 day suspension ordered by Oakland County Hearing Panel #4.

- 1) Suspension - 120 days;
- 2) Effective December 12, 1986.

The two Count Formal Complaint charged that Respondent failed to take any action to seek his client's legal objectives in connections with her establishment of a business nor did he reply to her inquiries. The Complaint also charged that the Respondent failed to answer the Request for Investigation. The Respondent failed to answer the Formal Complaint and failed to appear at the hearing. The Panel found that his conduct constituted violations of MCR 9.104(1-4,7) and MCR 9.113 and Canons 1, 6 and 7 of the Code of Professional Responsibility, DR DR 1-102(A)(4-6); DR 6-101(A)(3) and DR 7-101(A)(1-3).

Following its review of the thirty day suspension imposed by the hearing panel, the Board increased the discipline. Respondent is suspended for 120 days and until he has complied with the reinstatement procedure described in MCR 9.123(B) and MCR 9.124. The Board ruled that protection of the public, the courts and the legal profession requires, as a general rule, that an attorney who has utterly failed to cooperate with the discipline system must, at some point, be required to appear before a panel to demonstrate his or her fitness to resume the practice of law. Costs were assessed in the amount of \$90.20 which are in addition to the costs assessed by the Panel in the amount of \$104.97 for a total sum of \$195.17.


John F. VanBolt

Dated: 11/12/86