

## Attorney Discipline Board



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This is to inform the Courts of the State of Michigan of the following Order of Discipline:

NOTICE OF REPRIMAND

File No. 35055-A

THOMAS S. HALPIN III, (P24410), 1917 Fisher Bldg., Detroit, MI 48202, by Order of the Attorney Discipline Board modifying a Hearing Panel decision of suspension of one (1) year.

- (1) Reprimand;
- (2) Effective October 28, 1980.

The Formal Complaint charged that Respondent collected attorney fees from clients of a former lawyer employer, Respondent, upon terminating said employment, took with him numerous files of clients belonging to said former employer, and took, without the knowledge and consent of his employer, client file index cards, allegedly in violation of Canon 1, DR 1-102 (A) (1) (3-6) and Supreme Court Rule 15.2 (1-4).

The Hearing Panel found that, although Respondent had a relationship with the clients, the files belonged to his employer, and Respondent collected fees from at least two clients whose files he had taken without an accounting to his former employer. The Panel also found that upon terminating the employment relationship, Respondent took a number of files, most of which were referred by the Lawyer Referral Service to the employer's office, and a few of which involved the matters of old clients of the employer. The Panel determined that Respondent was in the position of an employee, having received a salary plus a percentage of any fees from clients produced by Respondent. The Panel found that Respondent violated Canon 1 of the Code of Professional Responsibility in that he engaged in conduct involving dishonesty and other conduct adversely reflecting on his fitness to practice law, in violation of GCR 953 (2-4).

The Attorney Discipline Board, in reducing the discipline, acknowledged that Respondent should have communicated with his employer more fully, but rejected the finding that there was wilful misrepresentation or fraud. In its opinion, the Board noted that the lawyer-employer and lawyer-employee contract was vague and should have been clarified by both parties. The matter was reconsidered by the Board, however, the Grievance Administrator's Motion for Increased Discipline was denied.

*David Baker Lewis*  
 David Baker Lewis, Secretary  
 ATTORNEY DISCIPLINE BOARD

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