

IN THE MATTER OF JOHN C. MOURADIAN,
Respondent
A Member of the State Bar of Michigan,
File No. DP-114/82

Decided: March 17, 1983

OPINION OF THE BOARD

Respondent was reprimanded for neglect of a criminal appeal and suspended for 30 days for failure to answer a request for investigation. He petitioned the Board for review of the 30 day suspension order of discipline. We modify the discipline to a reprimand alone.

Respondent was appointed appellate counsel in a criminal matter in September 1981 (Tr, 7; GA Exhibit 01). In December 1981, Respondent suffered a heart attack (Tr, 14). Respondent's practice came to a standstill during the months after his heart attack. He did not file an appellate brief on behalf of the client-complainant until July 1982 - after he had received the Formal Complaint in this case (Tr, 7; GA Exhibit 01).

Respondent was served with a request for investigation in March, 1982 (GA Exhibit 04). Respondent did not answer the request for investigation.

The Board, upon review of the whole record and after a hearing on the petition for review is convinced that Respondent's ill health prior to the heart attack and the heart attack itself had a substantial effect on Respondent's ability to properly attend to his cases and may have been a significant factor affecting his failure to answer the request for investigation. However, because of the length of time over which the clients appeal was neglected, the illness cannot fully exculpate the offense charged here.

The Board also notes that Respondent has demonstrated remorse for his misconduct (Tr, 11) and has no record of previous discipline.

In light of the aforementioned mitigating factors, Respondent's discipline is hereby reduced to a reprimand.

[Board Member Msgr. Kern and Board Member Dr. McDevitt did not participate in the hearing or decision of this matter.]