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**NOTICE OF DISBARMENT AND RESTITUTION**

Case No. 21-57-GA

**Notice Issued: July 27, 2022**

John H. Underhill, P 42326, Adrian, Michigan, by the Attorney Discipline Board Livingston County Hearing Panel #1

Disbarment, Effective July 27, 2022<sup>1</sup>

After proceedings conducted pursuant to MCR 9.115, the panel found, by default, that respondent committed professional misconduct, as charged in a five-count formal complaint, in his representation of three separate clients in their various legal matters; during dealings with a construction contractor; and, by failing to respond to a subpoena from the Attorney Grievance Commission.

Based on respondent's default, and the evidence presented at the hearing, the panel found that respondent neglected a legal matter, in violation of MRPC 1.1(c) (Counts I and III); failed to act with reasonable diligence and promptness, in violation of MRPC 1.3 (Counts I and III); failed to keep a client reasonably informed about the status of a matter and comply promptly with reasonable requests for information, in violation of MRPC 1.4(a) (Counts I and III); failed to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation, in violation of MRPC 1.4(b) (Count I); entered into an agreement for, charged, or collected an illegal fee or clearly excessive fee, in violation of MRPC 1.5(a) (Count III); failed to maintain a normal client-lawyer relationship with a client, when the client's ability to make decisions was impaired, in violation of MRPC 1.14(a) (Count V); failed to take reasonable steps upon terminating a representation to refund an unearned fee and to protect the client's interest, in violation of MRPC 1.16(d) (Counts I and III); knowingly disobeyed an obligation under the rules of the tribunal, in violation of MRPC 3.4(c) (Count IV); failed to respond to a lawful demand for information from a disciplinary authority, in violation of MRPC 8.1(a)(2) (Count II); engaged in conduct that involved dishonesty, fraud, deceit, misrepresentation, or violation of the criminal law, where such conduct reflected adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer, in violation of MRPC 8.4(b) (Counts 1, IV, and V); engaged in conduct that violates a

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<sup>1</sup> Respondent's license to practice law in Michigan was previously suspended on an interim basis effective October 28, 2021. The interim suspension was vacated and respondent's license to practice law in Michigan was reinstated effective March 1, 2022. See *Notice Vacating Interim Suspension and Notice of Reinstatement*, issued March 4, 2022.

criminal law of a state or of the United States, in violation of MCR 9.104(5) (Counts I and IV); committed forgery, in violation of MCL 750.248(1) (Count IV); and, committed larceny, in violation of MCL 750.356(1)(a) (Count IV). Respondent was also found to have violated MCR 9.104(1)-(4) and MRPC 8.4(a) and (c).

The panel ordered that respondent be disbarred effective July 27, 2022, and that he pay restitution in the total amount of \$15,678.00. Costs were assessed in the amount of \$2,140.06.