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NOTICE OF SUSPENSION WITH CONDITIONS

(Pending Appeal)

Case No. 20-43-GA

Notice Issued: April 16, 2021

Lawrence B. Shulman, P 45075, Royal Oak, Michigan, by the Attorney Discipline Board Tri-County Hearing Panel #68.

Suspension - 180 Days, Effective April 10, 2021

After proceedings conducted pursuant to MCR 9.115, the panel found, by default, that respondent committed professional misconduct as charged in a three-count formal complaint. Specifically with regard to Count One, the panel found that, while representing a client in a securities fraud matter, respondent failed to enter into a written retainer agreement with his client; failed to advise his client that the AUSA had sent a proposed plea and cooperation agreement for at least ten months; failed to meaningfully communicate with the AUSA in his client's matter, which led to his client's arrest without notice; delayed in sending his client a copy of his file after his arrest; and failed to provide his client with an accounting, when requested, and to return any unearned fees.

With regard to Count Two, the panel found that after his license was suspended for 90 days in *Grievance Administrator v Lawrence B. Shulman*, 17-1-GA, respondent failed to notify his client referenced in Count One of his suspension and continued to communicate with him regarding the securities fraud matter during the time that his license was suspended; lied to his client when he learned of respondent's suspension, and, in his MCR 9.119 affidavit of compliance, failed to identify his client or state that he notified his client or the AUSA of his suspension, even though he continued contact with them.

With regard to Count Three, the panel found that respondent failed to appear for a sworn statement when subpoenaed by the Grievance Administrator; and, failed to answer a Grievance Administrator's Request for Investigation.

Based on respondent's default, the panel found that with regard to Count One, respondent failed to seek the lawful objectives of a client through reasonably available means permitted by law, in violation of MRPC 1.2(a); failed to act with reasonable diligence and promptness, in violation of MRPC 1.3; failed to keep a client reasonably informed about the status of a matter and comply with reasonable requests for information, in violation of MRPC 1.4(a); failed to notify the client promptly

of all settlement offers and proposed plea bargains, in violation of MRPC 1.4(a); 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); upon request by the client, failed to promptly render a full accounting of funds held for the client, in violation of MRPC 1.15(b)(3); upon termination of representation, failed to take reasonable steps to protect the client's interests, including surrendering papers and property to which the client is entitled and refunding any advance payment of fee that has not been earned, in violation of MRPC 1.16(d); engaged in conduct that involved dishonesty, fraud, deceit, misrepresentation, or violation of 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); violated or attempted to violate the Rules of Professional Conduct, in violation of MRPC 8.4(a); engaged in conduct that was prejudicial to the administration of justice, in violation of MCR 9.104(1) and MRPC 8.4(c); engaged in conduct that exposed the legal profession or the courts to obloquy, contempt, censure, or reproach, in violation of MCR 9.104(2); and engaged in conduct contrary to justice, ethics, honesty, or good morals, in violation of MCR 9.104(3).

As to Count Two, the panel found that respondent violated an order of discipline, in violation of MCR 9.104(9); failed to notify his client that he was suspended from the practice of law and unable to represent him, in violation of MCR 9.119(A); failed to notify the AUSA in New Jersey of his suspension from the practice of law, in violation of MCR 9.119(B); continued to practice law after the effective date of the order of suspension, in violation of MCR 9.119(E)(1); had contact with a client after the effective date of the order of suspension, in violation of MCR 9.119(E)(2); continued to hold himself out as an attorney after the effective date of the order of suspension, in violation of MCR 9.119(E)(4); made a materially false statement in his affidavit claiming full compliance with the terms and conditions of the order of suspension, in violation of MCR 9.123(A); engaged in conduct that involved dishonesty, fraud, deceit, misrepresentation, or violation of 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); violated or attempted to violate the Rules of Professional Conduct, in violation of MRPC 8.4(a); engaged in conduct that was prejudicial to the administration of justice, in violation of MCR 9.104(1) and MRPC 8.4(c); engaged in conduct that exposed the legal profession or the courts to obloquy, contempt, censure, or reproach, in violation of MCR 9.104(2); and engaged in conduct that was contrary to justice, ethics, honesty, or good morals, in violation of MCR 9.104(3).

As to Count Three, the panel found that respondent failed to answer a request for investigation in conformity with MCR 9.113, in violation of MCR 9.104(7); knowingly failed to respond to a lawful demand for information from a disciplinary authority, in violation of MRPC 8.1(a)(2); violated or attempted to violate the Rules of Professional Conduct, in violation of MRPC 8.4(a); engaged in conduct that exposed the legal profession or the courts to obloquy, contempt, censure, or reproach, in violation of MCR 9.104(2); and engaged in conduct that was contrary to justice, ethics, honesty, or good morals, in violation of MCR 9.104(3).

The panel ordered that respondent's license to practice law be suspended for a period of 180 days and subject to conditions relevant to the established misconduct. Respondent filed a petition for review seeking a decrease in the discipline imposed. Respondent did not file a petition for a stay of the hearing panel's order. This matter has been scheduled for hearing before the Attorney Discipline Board.