

NOTICE OF REVOCATION AND RESTITUTION

Case Nos. 99-101-GA; 99-129-FA

Harry S. Sherwin, P-20365, Flint, Michigan by the Attorney Discipline Board Tri-County Hearing Panel #60.

- 1) Revocation;
- 2) Effective November 20, 1999.¹

The respondent failed to answer the formal complaints and failed to appear before the hearing panel. Based upon respondent's default, the hearing panel found that the misconduct alleged in the complaint had been established, to wit: failure to refund unearned fees and failure to answer the request for investigation. The hearing panel also determined that respondent's conduct was in violation of MCR 9.103; MCR 9.104(1)-(4) and (7); MCR 9.113(A); MCR 9.113(B)(2); and Michigan Rules of Professional Conduct 1.5(a); 1.16(d); 8.1(b); and 8.4(a) and (c).

With regard to the appropriate level of discipline, the hearing panel noted that respondent's license to practice law had been revoked four times and that the Grievance Administrator recommended an order revoking respondent's license to practice law and ordering restitution. The panel found that the discipline recommended by the Grievance Administrator was appropriate and ordered that respondent's license to practice law in Michigan be revoked a fifth time with the additional condition that respondent shall make restitution to the complainant in the amount of \$5,500.00, with appropriate interest. Costs were assessed in the amount of \$200.83.

¹ Respondent's license has been continuously suspended since September 21, 1998. See Notice of Revocation and Restitution dated December 2, 1998, Case Nos. 98-143-GA; 98-166-FA.