

NOTICE OF REVOCATION AND RESTITUTION

Case Nos. 99-036-GA; 99-052-FA

Harry S. Sherwin, P-20365, Flint, Michigan by the Attorney Discipline Board Tri-County Hearing Panel #56.

- 1) Revocation;
- 2) Effective November 4, 1999.¹

Respondent failed to answer the formal complaint and failed to appear at the hearing before a master assigned by the Board in accordance with MCR 9.117. Based upon respondent's default, the Master concluded that the charges in the formal complaint were established, to wit: respondent accepted retainers from four clients but failed to seek his clients' legal objectives, failed to respond to his clients' inquiries, failed to refund the unearned fees paid by those clients and failed to answer four requests for investigation. The Master's report was adopted by Tri-County Hearing Panel #56 which determined that respondent's conduct was in violation of MCR 9.104(1)-(4); MCR 9.113(A) and (B)(2); and Michigan Rules of Professional Conduct 1.1(c), 1.2(a), 1.3, 1.4(a), 1.16(d); 8.1(b) and 8.4(a) and (c).

With regard to the appropriate level of discipline, the hearing panel adopted the Master's recommendation for the highest level of discipline in light of respondent's record of discipline over a 28 year period which includes three reprimands, a suspension of 60 days, a suspension of 119 days, a suspension of 2 years and three license revocations, the last effective February 10, 1999. The panel ordered that respondent's license to practice law in Michigan be revoked a fourth time with the additional condition that respondent shall make restitution to the four complainants in the aggregate amount of \$10,900.00. Costs were assessed in the amount of \$174.51.

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.