

NOTICE OF REVOCATION AND RESTITUTION

Case Nos. 98-143-GA; 98-166-FA

Harry S. Sherwin, P-20365, Flint, Michigan, by Attorney Discipline Board Genesee County Hearing Panel #5.

- 1) Revocation;
- 2) Effective September 21, 1998.

The complainant retained respondent to represent her in seeking sole custody of her child, and paid him a \$1,200 fee. The panel found, by default, that respondent neglected and abandoned the matter; failed to refund the unearned fee or release the client file; failed to answer the Request for Investigation; and failed to answer the Formal Complaints. Respondent also failed to appear at the disciplinary hearing.

The panel concluded that respondent's conduct violated MCR 9.103(C); MCR 9.104(1)-(4) and (7); MCR 9.113(A) and (B)(2); and Michigan Rules of Professional Conduct 1.1(a)-(c); 1.2(a); 1.3; 1.4(a); 1.5(a); 1.16(d); 3.2; 8.1(b); and 8.4(a) and (c).

Taking into consideration the aggravating factors of respondent's disciplinary history, his failure to answer or appear at any stage of this proceeding, and his apparent abandonment of his law practice, the panel ordered that respondent's license to practice law in Michigan be revoked effective September 21, 1998, the date of the disciplinary hearing. The panel further ordered that respondent make restitution to the complainant in the sum of \$1,200 plus interest and return her client file. Costs were assessed in the amount of \$252.91.