

## NOTICE OF SUSPENSION AND RESTITUTION

Case Nos. 91-188-GA; 91-255-FA

Sherman Sharpe, Jr., P32766, Detroit, Michigan, by Attorney Discipline Board Tri-County Hearing Panel #6.

- 1) Suspension - three (3) years;
- 2) Effective August 8, 1992.

Respondent failed to answer the formal complaints and failed to appear at the hearing held in Detroit on March 10, 1992. Respondent's default was entered and the panel determined that the default established the allegations of the formal complaints.

Respondent was retained to file an appeal of a discrimination matter with the United States Merit Systems Protection Board, but failed to file a timely claim of appeal; failed to respond to an Acknowledgement Order; failed to respond to a Motion to Dismiss; failed to keep his client informed concerning the status of the matter; made false statements to his client to conceal his neglect; failed to refund the unearned \$500 retainer fee; failed to release his client's file upon request; failed to timely answer the request for investigation; and failed to answer correspondence from the Attorney Grievance Commission.

Respondent was retained to file a complaint for divorce, but failed to timely file the complaint; failed to request a spousal abuse injunction; failed to request interim child support; failed to prosecute the divorce; failed to keep his client informed concerning the status of the divorce; made false statements to his client to conceal his neglect; failed to refund the unearned \$370 retainer fee; failed to timely answer the request for investigation; and failed to answer correspondence from the Attorney Grievance Commission.

Respondent was retained to appeal an anticipated unfavorable disciplinary decision of the Detroit Police Department Trial Board, but fraudulently altered the retainer agreement after it had been signed by his client; filed the altered document with the City of Detroit Police Department Retirement System; falsely advised the City of Detroit Police Department Retirement System that he had a \$10,000 attorney lien on the retirement funds of his client; failed to deposit the \$10,000 check into a client trust account; misappropriated the \$10,000; charged an excessive fee; or in the alternative, failed to return the unearned fee; failed to timely answer the request for investigation; and failed to answer correspondence from the Attorney Grievance Commission.

Respondent's conduct was found to be in violation of MCR

9.104(1-7); MCR 9.113(A); MCR 9.113(B)(2); the Michigan Rules of Professional Conduct, 1.1(c); 1.3; 1.4; 1.15(a-b); 1.16(d); 8.1(b); 8.4(a-c); and Canons 1, 6, 7 and 9 of the then-applicable Code of Professional Responsibility, DR 1-102(A)(1,3-6); DR 6-101(A)(3); DR 7-101(A)(1-3); DR 9-102(B)(4).

The panel ordered that respondent's license be suspended for a period of three years commencing August 8, 1992, to run consecutively to the nine month suspension (Case Nos. 91-102-GA; 91-128-FA) which became effective on November 8, 1991. The panel also ordered respondent to make restitution to his clients in the total amount of \$10,470. Costs were assessed in the amount of \$239.11.