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NOTICE OF SUSPENSION AND RESTITUTION

Case No. 16-97-GA

Notice Issued: September 12, 2018

Marvin Barnett, P 34033, Detroit, Michigan, by the Attorney Discipline Board Tri-County Hearing Panel #25.

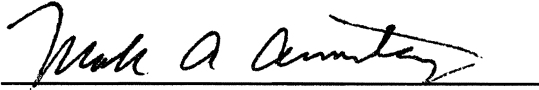
Suspension - 18 Months, Effective October 4, 2018¹

After proceedings in accordance with MCR 9.115, the hearing panel found that respondent committed professional misconduct when he improperly represented, and collected attorney fees from, two adverse clients in a drug-possession and drug-trafficking matter pending in an Ohio state court and failed to answer a request for investigation filed by one of the clients.

The panel found that respondent failed to communicate with his client to the extent reasonably necessary to permit the client to make informed decisions regarding the representation, in violation of MRPC 1.4(b); collected an illegal or excessive fee, in violation of MRPC 1.5(a); divided a fee with a lawyer who was not in his firm without the client's knowledge and consent, in violation of MRPC 1.5(e)(1); divided a fee with a lawyer who was not in his firm when the total fee was not reasonable, in violation of MRPC 1.5(d)(2); knowingly revealed a confidence or secret of his client, in violation of MRPC 1.6(b)(1); engaged in a conflict of interest by representing a client when the representation of that client was directly adverse to another client, in violation of MRPC 1.7(a); engaged in a conflict of interest by representing a client when the representation of that client was or could have been materially limited by his responsibilities to another client or to a third person, or by the lawyer's own interests, in violation of MRPC 1.7(b); engaged in a conflict of interest by representing another person in the same or substantially related matter in which that person's interests were materially adverse to the interests of the former client without the former client's consent after consultation, in violation of MRPC 1.9(a); and failed to answer the request for investigation, in violation of MCR 9.104(7), MCR 9.113(A), and MCR 9.113(B)(2). Respondent was also found to have violated MCR 9.104(1)-(4); and MRPC 8.4(a) and (b).

¹ Respondent has been continuously suspended from the practice of law since October 3, 2015. See Notice of Suspension And Restitution, issued October 8, 2015, *Grievance Administrator v Marvin Barnett*, Case Nos. 14-8-GA; 14-26-GA; 14-53-GA.

The panel ordered that respondent's license to practice law be suspended for a period of 18 months and that he be required to pay restitution in the amount of \$7,500.00. Costs were assessed in the amount of \$3,508.19.

A handwritten signature in black ink, reading "Mark A. Armitage", written over a horizontal line.

Mark A. Armitage
Executive Director