

Attorney Discipline Board



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NOTICE OF REVOCATION

DP-156/81, 49/82 &
62/82

ELWOOD S. BERRY, JR. (P 28880), 740 Seventh St., Baldwin,
MI, 49304, by Attorney Discipline Board Muskegon Circuit Hearing Panel.

- (1) Revocation of license;
- (2) Effective July 6, 1982.

The hearing panel found that Respondent had violated a prior disciplinary order of suspension by engaging in the practice of law while under suspension; that Respondent acting as an attorney for the fudiciary of a certain probate estate, received personal property of substantial value and failed to deliver said property to the fudiciary or to account for said property to the probate court; that, Respondent, after accepting a substantial retainer, neglected to process certain civil litigation causing a delay of more than twenty months and permitting the statute of limitations to run against one defendant; that Respondent was retained to investigate a possible wrongful death action and was paid a retainer and failed to take any action or commence suit; that Respondent was retained and paid to draft certain letters on behalf of a client, failed to do so, and failed to in any way protect the interest of the clients; that Respondent induced a client to borrow the sum of \$1,500 which funds Respondent retained for his personal use, failing to pay debts of the client as promised. The panel also found that Respondent failed to answer a Formal Complaint and two separate Requests for Investigation submitted by the Grievance Administrator. The panel found violations of GCR 953 and Canons 1, 3, 6, 7, and 9 of the Code of Professional Responsibility. The panel considered prior suspensions of 45 days in December of 1980 and 60 days in December of 1981. Costs were assessed in the amount of \$445. 89.

David Baker Lewis

DAVID BAKER LEWIS, Secretary of the
Attorney Discipline Board

John F. X. Dwaihy
JOHN F. X. DWAIHY, Executive Director
& General Counsel

JUL 8 1982