

Attorney Discipline Board



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This is to inform the Courts of the State of Michigan of the following Order of Discipline:

NOTICE OF SUSPENSION

File No. DP-36/80, 36990-A, DP-79/80

HERBERT STEWART III, (P21015), 18290 James Couzens, Detroit, MI 48235, by Attorney Discipline Board Oakland Circuit Hearing Panel "D".

- (1) Suspension;
- (2) For a period of one year;
- (3) Effective February 17, 1981.

Three (3) separate Formal Complaints containing a total of twelve counts of misconduct were consolidated. Respondent was charged with several counts of neglect of various client affairs after having been paid substantial retainer fees, said neglect including failure to process a divorce case diligently, failure to commence a personal injury suit, failure to file a motion for reduction of child support payments and failure to appear in court regarding such matter, failure to draft an appropriate order in regard to said child support matter, failure to perform complete legal services in a real estate transaction, and failure to commence suit regarding said transaction as promised; and, in a separate real estate transaction matter, failure to file suit and deliver a deed; issuance of a check to a telephone answering service which was refused for non-sufficient funds, and failure and refusal to take any action regarding said dishonored check, resulting in a default judgment in Small Claims Court against Respondent. Respondent was also, with regard to several of the above counts, charged with failure to answer the Grievance Administrator's Request for Investigation in violation of Canon 1 of the Code of Professional Responsibility and GCR 953 (1) (4) and (7). The Formal Complaint alleged numerous violations of Canon 1, Canon 6, Canon 7 and GCR 962.2 (B) and 953.

The Respondent, having admitted the allegations contained in the Formal Complaint, the Hearing Panel afforded him an opportunity to submit evidence in mitigation. Costs were assessed in the amount of \$61.75. Neither party has appealed to the Attorney Discipline Board.

David Baker Lewis
 David Baker Lewis, Secretary
 ATTORNEY DISCIPLINE BOARD

Date of Issuance: MAR 13 1981