

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-64/80

Related No. 37359

ELWOOD S. BERRY, JR., (P28880), Bells Avenue, Baldwin, MI 49304, by Attorney Discipline 19th and 27th Circuits Hearing Panel.

- (1) Suspension;
- (2) For a period of 45 days;
- (3) Effective December 30, 1980.

The Hearing Panel found, as alleged in the Formal Complaint: Respondent agreed to represent multiple defendants in a real estate partition suit for a fee of \$450.00, executed a consent judgment signed by the Circuit Judge, without authority to do so, after being removed from case by the clients, executing an affidavit falsely stating that he had his clients' full authority to exercise said consent judgment and that the defendants had agreed to the terms of the judgment, and that Respondent failed to answer a cross-complaint and counter-claim, and also failed to object to a motion for summary judgment, even though provided with copies of relevant pleadings and documents, and that Respondent failed to provide his clients with a copy of said consent judgment and made no bona fide attempt to litigate a settlement, which would have resulted in an award of a portion of the real estate to his clients, in violation of GCR 953 (1-4), Canon 6, DR 6-101 (A) (3), Canon 7, DR 7-101 (A) (1-3), and Canon 1, DR 1-102 (A) (4), which rules prohibit the execution of said judgment without authority, failure to carry out contract of employment, failure to seek the lawful objectives of a client, the causing of prejudice or damage to a client and dishonesty in the execution of said consent judgment. Costs were assessed in the amount of \$470.55.



David Baker Lewis, Secretary
ATTORNEY DISCIPLINE BOARD

Date of Issuance: **MAR 13 1981**