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FINAL NOTICE OF REVOCATION AND RESTITUTION

Case No. 06-156-GA

Notice Issued: October 17, 2008

David L. Rosenthal, P 24758, Bloomfield Hills, Michigan, by the Attorney Discipline Board, increasing Tri-County Hearing Panel #51's discipline from an 18 month suspension to a revocation.


1. Revocation
2. Effective October 27, 2007¹

The respondent failed to answer the formal complaint but appeared for the public hearing before Tri-County Hearing Panel #51. Based upon its conclusion that respondent's default was properly entered, the panel found that the charges in the formal complaint were deemed to be admitted, to wit: respondent was paid a flat fee of \$5,000 in October 2003 to prepare a trust but failed to provide the legal service and failed to return the unearned fee. Respondent also failed to deposit the advanced fee into a client trust account and misappropriated those funds. Count Two charged that respondent proposed a business deal to the same clients in which the clients would pay \$15,000 to fund litigation handled by another lawyer involving an unidentified "famous athlete." Respondent had his clients sign a "purchase agreement" for a portion of the unidentified lawyer's contingent fee. Thereafter, respondent failed to adequately communicate with his clients and has failed to account for any portion of the \$15,000 paid by the clients. Count Three charged that respondent failed to file a timely answer to a request for investigation and failed to respond to further requests for information from the Grievance Administrator.

Respondent's conduct was found to be in violation of MCR 9.104(A)(1)-(4) and (7); MCR 9.113(A); and Michigan Rules of Professional Conduct 1.1(c); 1.2(a); 1.15(a) (amended as MRPC 1.15(g)); 1.16(d) ; 8.1(a)(2) and 8.4(a) and (b).

Following a separate hearing to determine the appropriate discipline, the panel ordered the suspension of respondent's license to practice law in Michigan for a period of 18 months commencing October 27, 2007. The panel further ordered the respondent to pay restitution to his former clients in the amount of \$20,000 and that, in addition to the requirements of MCR 9.123(B) and MCR 9.124, respondent's reinstatement should be conditioned upon completion of an ethics course and a passing grade on the Multi-State Professional Responsibility Examination.

The Grievance Administrator filed a petition for review seeking increased discipline and, upon review, the Board increased discipline to a revocation of respondent's license to practice law in Michigan. The Board affirmed the payment of restitution in the amount of \$20,000, but vacated the other conditions. Total costs were assessed in the amount of \$2,549.16.


John F. Van Bolt
Dated: OCT 17 2008

¹ Respondent has been continuously suspended from the practice of law in Michigan since October 27, 2007. Please see Notice of Suspension and Restitution With Conditions (Pending Appeal) issued November 5, 2007.