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**NOTICE OF SUSPENSION AND RESTITUTION WITH CONDITIONS**  
**(Pending Appeal)**

Case No. 06-156-GA

**Notice Issued: November 5, 2007**

David L. Rosenthal, P 24758, Bloomfield Hills, Michigan, by Attorney Discipline Board Tri-County Hearing Panel #51.

1. Suspension - 18 Months
2. Effective October 27, 2007

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 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 baseball player." 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. Costs were assessed in the amount of \$2,549.16.

The Grievance Administrator filed a timely petition for review seeking increased discipline and this matter will be scheduled for a hearing before the Attorney Discipline Board.

  
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John F. Van Bolt

Dated: NOV - 5 2007