

NOTICE OF SUSPENSION

Case No. 97-139-GA

David M. Gaberman, P-35997, Farmington Hills, Michigan, by
Attorney Discipline Board Tri-County Hearing Panel #58.

- 1) Suspension - 180 Days;
- 2) Effective November 5, 1998.¹

Respondent was retained to represent the first complainant in a divorce action. Respondent's written retainer agreement recited that "of counsel" attorneys may make court appearances on a client's behalf. The panel found that notwithstanding the language of the retainer agreement, respondent represented to the complainant that he would personally represent her and appear for court hearings on her behalf, but did not do so.

Respondent was retained to represent another complainant in a divorce action. The panel found that respondent failed to appear for a hearing concerning the custody of the complainant's minor child.

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The panel concluded that respondent's conduct violated MCR 9.104(2)-(4); and Michigan Rules of Professional Conduct 1.1(c); 1.3; 1.4(b) and 8.4(b). Six other counts were dismissed by the panel.

The panel ordered that respondent be suspended from the practice of law in Michigan for a period of 180 days. Costs were assessed in the amount of \$3,992.53.

¹Respondent has been continuously suspended from the practice of law in Michigan since April 7, 1995.