

NOTICE OF SUSPENSION AND RESTITUTION

Case No. 94-11-GA

Carin B. Goldfarb, P-33138, Farmington Hills, Michigan, by the Attorney Discipline Board increasing Tri-County Hearing Panel #81's Order of Reprimand and Restitution.

- 1) Suspension - Ninety (90) Days;
- 2) Effective April 19, 1997.

Respondent was retained to institute a divorce action and was paid a \$350 fee. The panel found that respondent failed to provide the complainant with a copy of the complaint for divorce upon request; failed to effectuate service of the complaint on the defendant; failed to advise the complainant of the requirement to pay a Friend of the Court investigation fee; failed to appear at a settlement conference, resulting in the dismissal of the case; failed to file a motion to reinstate the divorce proceedings; failed to file a new divorce proceeding until nine months later; failed to advise the complainant of the dismissal of the first divorce proceeding or the refiling of the second divorce proceeding; failed to respond to the complainant's inquiries; signed the complainant's name to the second complaint for divorce without her knowledge or authorization; and made representations to the complainant which were false and were known to have been false at the time they were made. Respondent's conduct was found to be in violation of MCR 9.104(1)-(4) and Michigan Rules of Professional Conduct 1.1(a)-(c); 1.3; 1.4; 3.2; 3.3(a)(1); and 8.4(a)-(c). On December 14, 1995, the panel entered an order directing that respondent be reprimanded and make restitution to the complainant in the amount of \$350. Costs were assessed in the amount of \$932.35.

The Grievance Administrator filed a petition for review. On March 27, 1996, the Attorney Discipline Board entered an order affirming the reprimand and restitution. The Grievance Administrator filed an application for leave to appeal. In an order entered February 4, 1997, the Michigan Supreme Court entered an order which stated: "[i]n lieu of granting leave to appeal, we REMAND this case to the Attorney Discipline Board for reconsideration of the penalty imposed in this matter. In light of the proofs of misconduct in this case, the discipline imposed is insufficient." On March 14, 1997, the Attorney Discipline Board entered an order increasing discipline to a ninety-day suspension and restitution.