

NOTICE OF SUSPENSION AND RESTITUTION
(By Consent)

Case No. 94-197-GA

David A. Gordon, P-14190, Birmingham, Michigan, by Attorney Discipline Board Tri-County Hearing Panel #53.

- 1) Suspension - three (3) years and one (1) day;
- 2) Effective April 7, 1995.

The respondent and the Grievance Administrator filed a stipulation for consent order of discipline pursuant to MCR 9.115(F)(5), which was approved by the hearing panel and the Attorney Grievance Commission.

Respondent was retained to institute bankruptcy proceedings. He pled no contest to allegations that he failed to promptly file a bankruptcy petition and failed to adequately communicate with his client.

Respondent was retained to represent the plaintiff/wife in divorce proceedings and received a \$750 retainer fee. He pled no contest to allegations that he failed to deposit the unearned fee into a trust account and deposited the \$750 check into his personal account, commingling the funds with his own. The client subsequently sued respondent in small claims court for return of \$700 of the monies paid. Respondent settled the matter by agreeing to pay the client \$700, and by tendering to her a check for \$200, accompanied by a promise to pay the balance of the obligation in bi-weekly installments. He pled no contest to allegations that he misappropriated \$200 in client funds from his trust account to pay that client.

Respondent was retained to represent a client in adoption proceedings. He pled no contest to allegations that he failed to promptly prepare and file a petition for adoption and failed to adequately communicate with his client. Respondent requested and received a \$600 retainer fee from his client, and deposited the funds into his client trust account. He pled no contest to allegations that he misappropriated all or part of the funds through removal of the unearned fees from his trust account.

Respondent was retained to prepare a mortgage note agreement, satisfaction of land contract and deed. After the documents were prepared and executed, respondent was to file the papers with the register of deeds. He pled no contest to allegations that he failed to timely present the documents to the register of deeds for recording; failed to promptly provide the recorded deed to his client; and failed to adequately communicate with his client.

Between December 1990 and July 1993, respondent maintained a client trust account. He pled no contest to allegations that he commingled personal funds with client funds in the trust account; and utilized the monies in his trust account for his personal use and to pay personal obligations.

Respondent's conduct was alleged to be in violation of MCR 9.104(1)-(4); and Michigan Rules of Professional Conduct 1.1(c); 1.3; 1.4; 1.15; and 8.4(a)-(c).

The parties stipulated that respondent be suspended from the practice of law in Michigan for a period of three years and one day commencing April 7, 1995, and that he make restitution to three former client in the total amount of \$2,000. Costs were assessed in the amount of \$417.79.