

## NOTICE OF REVOCATION

Case Nos. 94-21-GA; 94-36-FA

Ben D. Tubergen, P-31396, Hudsonville, Michigan, by Attorney Discipline Board Muskegon County Hearing Panel #2.

- 1) Revocation;
- 2) Effective May 3, 1994.

Respondent failed to answer the formal complaints, but appeared at the hearing held in Muskegon on March 14, 1994. Respondent's default was entered, and the panel determined that the default established the allegations of the formal complaint.

Respondent was suspended from the practice of law in Michigan for a period of 120 days effective March 10, 1993. At the time of his suspension, respondent was the attorney of record for the defendant in a divorce action. Respondent failed to notify the tribunal of his disqualification from the practice of law; failed to notify opposing counsel of his disqualification; failed to notify his client, in writing, as required, of his disqualification; failed to file an affidavit of compliance with either the Attorney Grievance Commission or the Attorney Discipline Board; continued to represent his client and to hold himself out as an attorney in the litigation after the effective date of the suspension; and failed to answer the Request for Investigation.

Respondent's conduct was found to be in violation of MCR 9.103(C); MCR 9.104(1)-(4),(7)and(9); MCR 9.113(A)and(B)(2); MCR 9.119(A)-(E); MCL 600.916, MSA 27A.916; and Michigan Rules of Professional Conduct 3.3(a)(1); 5.5(a); 8.1(b); and 8.4(a)-(c).

Costs were assessed in the amount of \$286.03.

NOTE: Respondent's license to practice law in Michigan has been suspended continuously since March 10, 1993.