

NOTICE OF SUSPENSION AND RESTITUTION WITH CONDITION

(By Consent)

Case No. 23-43-GA

Notice Issued: December 8, 2023

Steven M. Gittleman, P 32828, Southfield, Michigan, by the Attorney Discipline Board
Tri-County Hearing Panel #52

Suspension - 179 Days, Effective December 1, 2023

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 Attorney Grievance Commission and accepted by the hearing panel. The stipulation contained respondent's admissions to the factual allegations and allegations of professional misconduct - that he misused his client trust account, and during his representation of a client in a probate matter he failed to deposit fees paid by a client into his IOLTA, failed to file a probate case with the court, failed to complete the legal work as agreed, and failed to provide a refund of the fees and costs despite promising his client he would do so - as set forth in Counts One and Two of the formal complaint.

Based on respondent's admissions and the stipulation of the parties, the panel found that respondent neglected his client's legal matter, in violation of MRPC 1.1(c) (Count Two); failed to seek the lawful objectives of his client, in violation of MRPC 1.2(a) (Count Two); failed to act with reasonable diligence and promptness, in violation of MRPC 1.3 (Count Two); failed to keep his client reasonably informed about the status of a matter and comply promptly with reasonable requests for information, in violation of MRPC 1.4(a) (Count Two); failed to safeguard his client's property, in violation of MRPC 1.15 (Counts One and Two); failed to hold property of clients or third persons in connection with a representation separate from the lawyer's own property, in violation of MRPC 1.15(d) (Count One); deposited personal funds into his IOLTA account in an amount in excess of an amount reasonably necessary to pay financial institution service charges or fees, in violation of MRPC 1.15(f) (Count One); failed to deposit advance legal fees and

expenses into an IOLTA and withdraw them only as fees were earned or expenses incurred, in violation MRPC 1.15(g) (Count Two); and failed to take reasonable steps to protect a client's interests upon termination of representation, such as failing to refund any advance payment of fee that has not been earned, in violation of 1.16(d) (Count Two). In addition, the panel found that respondent engaged in conduct prejudicial to the administration of justice, in violation of MRPC 8.4(c) and MCR 9.104(1) (Counts One and Two); engaged in conduct that exposes the legal profession or the courts to obloquy, contempt, censure, or reproach, in violation of MCR 9.104(2) (Counts One and Two); and engaged in conduct that is contrary to justice, ethics, honesty, or good morals, in violation of MCR 9.104(3) (Counts One and Two).

In accordance with the stipulation of the parties, the hearing panel ordered that respondent's license to practice law in Michigan be suspended for 179 days, effective December 1, 2023. The panel also ordered that respondent be subject to conditions relevant to the established misconduct, and that he pay restitution in the amount of \$1,030.00. Total costs were assessed in the amount of \$907.33.