STATE OF MICHIGAN

ATTORNEY DISCIPLINE BOARD

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NOTICE OF DISBARMENT AND RESTITUTION

Case No. 21-24-GA

Notice Issued: November 30, 2021

David S. Feinberg, P 42854, Lansing, Michigan, by the Attorney Discipline Board Ingham County Hearing Panel #7

Disbarment - Effective November 30, 2021

After proceedings conducted pursuant to MCR 9.115, the panel found, by default, that respondent committed professional misconduct as charged in a six-count formal complaint.

In Count One, the panel found that respondent negotiated a plea agreement in a criminal matter but failed to inform the client of the date and time of sentencing. When respondent and the client failed to attend the sentencing hearing, the client's bond was revoked, a warrant was issued, and he was arrested and incarcerated for several days.

In Count Two, the panel found that respondent approached an adverse witness after an ALJ expungement hearing in an aggressive manner and was verbally insulting and harassing to this person regarding the witness's testimony during the hearing.

In Count Three, the panel found that respondent refused and/or failed to meet with a client and return messages from a client that he was representing in a civil matter. The client's case was subsequently dismissed by summary judgment after respondent failed to respond to the opposing counsel's motion for summary judgment and to appear for the hearing on the motion.

In Count Four, the panel found that respondent failed to appear on behalf of a client at a criminal pretrial hearing because he had a conflict in another court and did not request an adjournment. After a show cause hearing, respondent was held in contempt of court and fined for his failure to appear.

In Count Five, the panel found that respondent failed to appear on behalf of a client for a criminal final pretrial conference that had already been adjourned at his request on two prior occasions. The client appeared and was appointed new counsel by the court, and respondent was ordered to return any unused retainer fees. The court then reported respondent's conduct to the Attorney Grievance Commission and when respondent was subsequently contacted by the Commission, he failed to produce requested documents.

In Count Six, the panel found that respondent failed to appear on behalf of a client at a criminal arraignment hearing. Respondent also failed to timely file an appearance on behalf of the client so he did not receive notice of the client's probable cause hearing. Respondent and the client failed to attend the probable cause hearing. As a result, the client's bond was revoked, a warrant was issued, and she spent the night in jail.

The panel specifically found that respondent neglected a legal matter entrusted to him, in violation of MRPC 1.1(c) (Counts One and Three-Six); failed to act with reasonable diligence and promptness in representing a client, in violation of MRPC 1.3 (Counts One and Three-Six); failed to keep a client reasonably informed about the status of his matter and comply promptly with reasonable requests for information, in violation of MRPC 1.4(a) (Counts One and Three-Six); failed to treat all persons involved in the legal process with courtesy and respect, in violation of MRPC 6.5(a) (Count Two); knowingly failed to respond to a lawful demand for information from a disciplinary authority, in violation of MRPC 8.1(a)(2) (Counts Five and Six); violated or attempted to violate the Rules of Professional Conduct, in violation of MRPC 8.4(a) (Counts One-Six); engaged in conduct prejudicial to the administration of justice, in violation of MRPC 8.4(c) and MRPC 9.104(1) (Counts One-Six); engaged in conduct that exposes the legal profession to obloquy, contempt, censure, or reproach, in violation of MRPC 9.104(2) (Counts One-Six); engaged in conduct contrary to justice, ethics, honesty or good morals, in violation of MCR 9.104(3) (Counts One-Six); and failed to answer a request for investigation in conformity with MCR 9.113 (Count Six).

The panel ordered that respondent be disbarred from the practice of law and that he pay restitution in the total amount of $11,800.00. Total costs were assessed in the amount of $2,301.70.