

IN THE MATTER OF CARL R. RUEBELMAN,  
A Member of the State Bar of Michigan,  
Respondent.  
File No. DP-121/81

Decided: September 2, 1982

OPINION OF THE BOARD

Respondent, Carl Ruebelman, was retained as counsel for a probate estate in 1975. Respondent failed to conclude the probate matters in a timely manner and was suspended from the practice of law in November of 1980 for 121 days. Respondent did not notify the estate fiduciary of a suspension as required by GCR 1963, 968. Respondent was served with a Request for Investigation charging his failure to notify the client pursuant to GCR 1963, 961, but failed to answer. The hearing panel dismissed the count of neglect of the legal matter, finding that the client had not been materially harmed. Respondent was reprimanded for practicing while suspended and for failure to answer the Request for Investigation.

Respondent was retained by an estate fiduciary as counsel for the estate in 1975 [Tr, 11 and 24]. He was late in complying with certain Oakland County Probate Court procedures and as a result, a notice of failure to file a timely accounting was issued. Also, communication with the client was poor. As a direct result of the failure to timely pay inheritance taxes, interest and penalties of \$6,400 were assessed against the estate on taxes of \$9,600.

The Complainant retained substitute counsel and incurred additional legal expenses in obtaining a court order to force Respondent to turn over the documents in his files.

Reviewing the above facts, the Board reverses the panel's findings that the client was not materially harmed; that conclusion is contradicted by the record as indicated. The interest and penalties, as well as the additional legal expenses incurred, clearly constitute damage to the client. For this reason, and based on Respondent's prior record of discipline, the Board reverses the panel's dismissal of the count charging neglect. The matter is further aggravated by Respondent's failure to notify his client of the suspension pursuant to GCR 1963, 968. The courts, the legal profession and the public are protected only when a disciplined attorney complies with an order of discipline. Failure to abide by the terms of a discipline order causes particular concern and reflects an attitude of contempt and disregard for the essence of our system of justice which all attorneys are sworn to uphold and protect.

Not least among our concerns, is the fact that Respondent is a discipline recidivist; the record in prior discipline files also reflects an attitudinal problem and a pattern of misconduct which must be taken more seriously. The record of prior discipline includes three suspensions - 60 days, June, 1978, 121 days, June, 1980 and 121 days, May, 1981. The panel order is vacated and discipline is increased to a suspension of 3 years.

ALL CONCUR.