

IN THE MATTER OF DAVID H. GREENSPAN,  
A Member of the State Bar of Michigan,

Respondent.

File No. DP-1/81

Decided: April 1, 1982

OPINION OF THE BOARD

Respondent was suspended from the practice of law for two consecutive 6 month periods becoming effective in October of 1978. Despite these orders, Respondent continued to practice law [Tr. at 78, 80, 81, 83]. Respondent sought to represent clients at depositions and in Court and signed another attorney's name to pleadings and correspondence without the attorney's consent.

Respondent filed a petition for reinstatement on September 5, 1979 pursuant to GCR 973 claiming he had not practiced law during his suspension. At the reinstatement hearing before Wayne County Hearing Panel "K", Respondent testified under oath that he had not practiced law during his suspension.

The hearing panel denied the petition for reinstatement. Following the reinstatement proceedings, the Grievance Administrator filed a Formal Complaint alleging violation of the orders of suspension and perjury before the hearing panel in the reinstatement proceedings. The new Formal Complaint was heard by Wayne County Hearing Panel "H" to whom Respondent admitted practicing law while suspended; Respondent further admitted testifying falsely before the reinstatement panel.

Respondent claimed his mental and emotional state made it impossible for him to accept his suspension causing his disregard for the disciplinary orders. Hearing Panel "H" found Respondent guilty on all counts and entered an order of suspension for 30 months retroactive to June 15, 1981. The Grievance Administrator appeals, claiming Respondent's violations warrant a heavier sanction. We agree; and although the circumstances do not require disbarment, serious doubts have been raised regarding Respondent's fitness and competence to undertake the practice of law. The suspension is extended to 36 months thereby requiring recertification by the Michigan Board of Law Examiners. We find no good cause, as required by GCR 964.10, to make the suspension retroactive to a date prior to the panel order. The 36 month suspension will be effective October 19, 1981.

Respondent has asserted an incredible defense, to-wit: that his loyalty to his client and his emotional state compelled him to violate the two orders of suspension. The psychologist's report offered by Respondent is of questionable value, in part because it was not formally admitted into evidence. Respondent's disobedience of the discipline orders is one of the most flagrant examples of such misconduct ever to come before the Board. We have chosen not to enter an order of revocation here despite close parallels to other extreme cases. In Schwartz v Zisman, ADB 1981, the violations clearly warranted disbarment because of Respondent's obvious contempt for the

discipline process as well as the gravity of his misconduct. Mr. Greenspan has expressed some sense of responsibility for his conduct and was markedly more responsive to the discipline agencies.

The suspension is increased to 36 months effective on October 19, 1981, the regular effective date of the hearing panel order.