

STATE OF MICHIGAN  
COURT OF APPEALS

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LOWELL S. MILLER,

Plaintiff-Appellant,

v

KINNEY, COOK & LINDERFELD, ATTORNEYS  
AT LAW, and RICHARD B. LINDERFELD,

Defendants-Appellees.

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UNPUBLISHED

April 11, 1997

No. 191941

Allegan Circuit Court

LC No. 94-001967

Before: Hoekstra, P.J., and Murphy and Smolenski, JJ.

PER CURIAM.

In this legal malpractice action, plaintiff appeals as of right from the entry of an order that stipulated to the dismissal with prejudice of plaintiff's claims against defendants arising on or after June 20, 1992. Previously, the trial court had granted partial summary disposition in defendants' favor with respect to plaintiff's claims arising prior to June 20, 1992. We affirm.

On appeal, plaintiff contends that the trial court erred in granting partial summary disposition pursuant to MCR 2.116(C)(7), regarding claims arising prior to June 20, 1992. We review a trial court's ruling on a motion for summary disposition de novo, keeping in mind that the requirements for summary disposition and the manner in which such a motion is considered by the trial court vary, depending on the nature of the motion. *Borman v State Farm Fire & Casualty Co*, 198 Mich App 675, 678; 499 NW2d 419 (1993), *Patterson v Kleiman*, 447 Mich 429, 432; 526 NW2d 879 (1994), aff'd 446 Mich 482; 521 NW2d 266 (1994). In reviewing a motion for summary disposition under MCR 2.116(C)(7), if the facts are not in dispute, the question whether the claim is barred is one of law for the court. *Witherspoon v Guilford*, 203 Mich App 240, 243; 511 NW2d 720 (1994).

On appeal, plaintiff contends that his complaint is within the statute of limitations because defendants' representation of plaintiff in his post-divorce judgment proceedings was continuous and overlapping. Specifically, plaintiff contends that from the time defendants were hired in April of 1986 to represent plaintiff in his divorce action and subsequently throughout plaintiff's post-judgment divorce

proceedings, until defendants notified plaintiff they would not represent him in further proceedings on July 16, 1992, defendants' representation constituted one continuous legal representation.

A claim for legal malpractice is governed by MCL 600.5805; MSA 27A.5805, and MCL 600.5838; MSA 27A.5838. Section 5805(4) states that the period of limitations is two years for an action charging malpractice. Section 5838(1) provides that a malpractice claim accrues at the time the attorney discontinues serving the plaintiff in a professional capacity as to the matters out of which the claim for malpractice arose. A lawyer discontinues serving a client when relieved of the obligation by the client, by the court, or upon completion of a specific legal service that the lawyer was retained to perform. *Maddox v Burlingame*, 205 Mich App 446, 450; 517 NW2d 816 (1994). An attorney's representation in a divorce action continues only until the final judgment for divorce has been entered, and the time for appeal has passed. *Ohlman v Ohlman*, 49 Mich App 366, 369-370; 212 NW2d 75 (1973); MCR 2.117(C)(1).

In this case, once plaintiff's divorce judgment was entered, defendant's representation of plaintiff prejudgment of divorce ended. Defendants' representation of plaintiff in various actions concerning visitation disputes and child support matters subsequent to the divorce constituted specific legal services that ended when each assignment was completed. Although postjudgment proceedings were numerous and often the completion of one task overlapped the commencement of another, the fact remains that defendants' representation of plaintiff was undertaken on a task-by-task basis. There is no indication in the record to support plaintiff's position that the parties intended continuous representation. Therefore, plaintiff's contention that defendants' representation constituted one continuous representation is without merit, and the trial court was correct in holding that plaintiff's claims for services rendered prior to June 20, 1992, were barred by the two-year malpractice statute of limitations.

Because plaintiff conceded the other two issues raised in his brief during oral arguments before this Court, we decline to review them.

Affirmed. Defendants being the prevailing party, they may tax costs pursuant to MCR 7.219.

/s/ Joel P. Hoekstra

/s/ William B. Murphy

/s/ Michael R. Smolenski