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STATE OF MICHIGAN

Attorney Discipline Board

In the Matter of the Reinstatement Petition
of BEVERLEY NETTLES, P 37191,

Case No. 13-122-RP

Petitioner/Appellant.

ORDER AFFIRMING HEARING PANEL ORDER DENYING PETITION FOR REINSTATEMENT

Issued by the Attorney Discipline Board
211 W. Fort St., Ste. 1410, Detroit, MI

Ingham County Hearing Panel #1 of the Attorney Discipline Board entered an order in this matter on November 13, 2014, denying the petition for reinstatement filed by petitioner Beverly Nettles. Petitioner sought review of that decision by the Attorney Discipline Board in accordance with MCR 9.118. The Board has conducted review proceedings, including review of the record before the panel and consideration of the briefs and arguments presented by the parties at a review hearing before the Board on May 20, 2015.

The hearing panel issued its report on August 28, 2014, where the majority of the panel, unable to conclude whether petitioner had met her burden under MCR 9.123(B)(6) and (7), agreed to leave the record open an additional 60 days to allow petitioner to provide additional proofs. (One panel member, however, would have denied the petition for reinstatement at that time.) Petitioner filed additional documentation within the 60-day time period and the Grievance Administrator filed a reply stating that petitioner had still not met her burden. The panel, in its supplemental report filed in conjunction with its order denying the petition for reinstatement, stated that petitioner had failed to meet her burden under MCR 9.123(B)(6) and (7) because the documentation she provided "creates more questions than it resolves . . ." (HP Supplemental Report, p 2.)

Petitioner requests that the panel's decision to deny her petition for reinstatement be reversed. On review of a hearing panel's decision, the Attorney Discipline Board must first determine whether the panel's findings have proper evidentiary support in the whole record. *In re: Reinstatement of Arthur R. Porter, Jr.*, 97-302-RP (ADB 1999), citing *In re: Reinstatement of Leonard R. Eston*, 94-78-RP (ADB 1995), and *Grievance Administrator v Irving August*, 438 Mich 296, 475 NW2d 256 (1991). With regard to reinstatement proceedings, this Board has previously articulated that taken together, sub-rules (5)-(7) of MCR 9.123 "require scrutiny of the reinstatement petitioner's conduct, before, during, and after the misconduct which gave rise to the suspension or disbarment in an attempt to gauge the petitioner's current fitness to be entrusted with the duties of an attorney." (*Porter*, p 10.) Applying both the standard of review and the criteria articulated in *Porter*, it appears based upon the record below, that there is proper evidentiary support for the hearing panel's conclusions in this matter; that petitioner did not carry her burden of proof as to the criteria found in MCR 9.123(B)(6) and (7) by clear and convincing evidence.

Should petitioner seek reinstatement in the future, she is advised to carefully review and address the findings of the hearing panel with respect to the requirements of MCR 9.123(B)(6) and (7), as outlined by the panel in its August 28, 2014 majority report and dissent; as well as its supplemental report issued on November 13, 2014.

NOW THEREFORE,

IT IS ORDERED that the hearing panel order denying petition for reinstatement filed in this matter on November 13, 2014, is **AFFIRMED**.

IT IS FURTHER ORDERED that respondent shall, on or before December 4, 2015, pay costs in the amount of **\$108.84** consisting of court reporting costs incurred by the Attorney Discipline Board for the review proceedings conducted on May 20, 2015. Check or money order shall be made payable to the Attorney Discipline System and submitted to the Attorney Discipline Board, 211 West Fort St., Ste. 1410, Detroit, MI 48226, for proper crediting. (See attached instruction sheet).

ATTORNEY DISCIPLINE BOARD

By: 
Lawrence G. Campbell, Vice-Chairperson

November 5, 2015

Board members James M. Cameron, Jr., Lawrence G. Campbell, Dulce M. Fuller, Michael Murray, James A. Fink, and John W. Inhulsen concur in this decision.

Board members Rosalind E. Griffin, Sylvia P. Whitmer, Ph.D., and Louann Van Der Wiele were absent and did not participate.