

STATE OF MICHIGAN
Attorney Discipline Board

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In the Matter of the Reinstatement Petition of
JOHN R. RISHAR, JR., P 56547,

Case No. 14-31-RP

Petitioner
_____ /

**ORDER AFFIRMING HEARING PANEL ORDER DISMISSING
PETITION FOR REINSTATEMENT PURSUANT TO MCR 9.121(E)**

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

Petitioner was transferred to inactive status in Michigan on April 15, 2009, based on the Notice of MCR 9.121(A) Incompetence/Incapacitation filed by the Grievance Administrator which established that petitioner had been involuntarily committed to a hospital for mental health evaluation and treatment in Pennsylvania.

On April 16, 2010, petitioner filed for reinstatement pursuant to MCR 9.121(E). That petition was denied on November 12, 2010, because the documentation provided by petitioner did not show, by clear and convincing evidence, that his disability had been removed nor did he provide proof that he had been judicially declared to be competent.

On March 7, 2014, this matter was commenced when petitioner filed a handwritten document requesting reinstatement under MCR 9.121(E), which was followed by an amended petition filed on April 14, 2014. This matter was thereafter assigned to Tri-County Hearing Panel #6. In accordance with its mandate under MCR 9.121(E) to "take the action necessary to determine whether the attorney's disability has been removed," the panel issued a pre-trial order which requested petitioner to provide the following:

Any order(s) entered that judicially declares petitioner competent;

Any and all documentary evidence petitioner intends to submit to establish that petitioner's disability has been removed, and a description and summary of all testimonial evidence intended to be introduced, including the name, address and telephone number of all witnesses and a summary of anticipated testimony;

A record of petitioner's hospitalizations, whether voluntary or involuntary, since the date of his last petition for reinstatement in 2010;

The name, address, and description of services provided to petitioner since the date of his last petition for reinstatement in 2010 by any health care provider, including medical doctors, psychiatrists, psychologists, therapists and counselors; and,

Copies of any report or evaluation related to petitioner's mental health or competence, including, but not limited to, reports or evaluations from petitioner's treating psychiatrist, Dr. Novas Schmidt. [HP order dated 7/29/2014.]

Thereafter, petitioner provided "a box of voluminous unsorted medical records" which the panel reviewed, along with various submissions by the parties, and the panel then "determined that petitioner has provided insufficient evidence from which it could conclude that his disability has been removed and that he could presently be found eligible for reinstatement to active status." (January 20, 2015 Order Granting Grievance Administrator's Motion to Dismiss Petition for Reinstatement.)

Petitioner filed a petition for review on February 9, 2015, raising various arguments. The Attorney Discipline Board has conducted review proceedings in accordance with MCR 9.118, including review of the record before the hearing panel and consideration of the briefs and arguments presented to the Board at a review hearing conducted on July 20, 2015.

NOW THEREFORE,

IT IS ORDERED that the hearing panel's order dismissing the petition for reinstatement is **AFFIRMED** for the reason that no error by the hearing panel in its determinations or in the conduct of the proceedings has been established.

ATTORNEY DISCIPLINE BOARD

By: 
Lawrence G. Campbell, Vice-Chairperson

DATED: October 1, 2015

Board members Lawrence G. Campbell, Sylvia P. Whitmer, Ph. D., Rosalind E. Griffin, M.D., Dulce M. Fuller, Louann Van Der Wiele, and James A. Fink, concur in this decision.

Board members Michael Murray and John W. Inhulsen were absent and did not participate.

Chairperson James M. Cameron, Jr., was recused and did not participate.