

STATE OF MICHIGAN

Attorney Discipline Board

FILED
ATTORNEY DISCIPLINE BOARD

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In the Matter of the Reinstatement Petition of
ANTHONY A. MURASKI, P 31462,

Petitioner.

Case No. 13-77-RP

**ORDER AFFIRMING HEARING PANEL ORDER
DENYING PETITION FOR REINSTATEMENT**

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

Tri-County Hearing Panel #2 of the Attorney Discipline Board entered an order in this matter on December 19, 2013, denying the petition for reinstatement filed by petitioner Anthony A. Muraski. 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 21, 2014.

In its report filed December 19, 2013, the hearing panel delivered its unanimous opinion that petitioner had not clearly and convincingly established that he has a proper understanding of and attitude toward standards that are imposed on members of the bar, nor did he clearly and convincingly establish that he would conduct himself in conformity with those standards, both of which are required under MCR 9.123(B)(6). Similarly, Mr. Muraski did not clearly and convincingly establish that he can safely be recommended to the public, the courts and the legal profession as a person fit to be consulted by others and to represent them and otherwise act in matters of trust and confidence, and in general to aid in the administration of justice as a member of the bar and as an officer of the court, as required by MCR 9.123(B)(7).

Petitioner requests that the panel's decision to deny his 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, subrules (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 his burden of proof as to the criteria found in MCR 9.123(B)(6) and (7) by clear and convincing evidence.

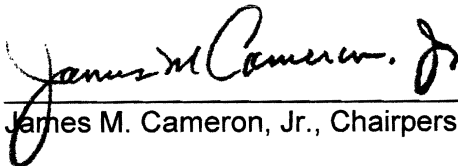
To the extent that any of the panel's conclusions were based upon its' assessment of petitioner's testimony, the Board will generally defer to those assessments in light of the panel's firsthand opportunity to judge credibility. *Grievance Administrator v Richard E. Meden*, 92-106-GA (ADB 1993); *Matter of Leonard R. Eston*, DP 48/85 (ADB 1987). In this matter, the Board is not persuaded that the hearing panel erred or that reversal of the hearing panel's decision to deny reinstatement would be appropriate.

NOW THEREFORE,

IT IS ORDERED that the hearing panel order denying petition for reinstatement filed in this matter on December 19, 2013, is **AFFIRMED**.

IT IS FURTHER ORDERED that respondent shall, on or before August 20, 2014, pay costs in the amount of **\$915.57**, consisting of costs assessed by the hearing panel in the amount of \$797.07 and court reporting costs incurred by the Attorney Discipline Board in the amount of \$118.50 for the review proceedings conducted on May 21, 2014. Check or money order shall be made payable to the State Bar of Michigan, but 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: 
James M. Cameron, Jr., Chairperson

DATED: July 22, 2014

Board members James M. Cameron, Jr.; Craig H. Lubben; Sylvia P. Whitmer, Ph.D.; Rosalind E. Griffin, M.D; Carl E. Ver Beek; Lawrence G. Campbell; Dulce M. Fuller; Louann Van Der Wiele; and Michael Murray concur in this decision.