

STATE OF MICHIGAN

Attorney Discipline Board

GRIEVANCE ADMINISTRATOR,
Attorney Grievance Commission,

FILED
ATTORNEY DISCIPLINE BOARD
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Petitioner,

v

Case No. 11-32-RD

DAVID A. BINKLEY, P 31643,

Respondent.

**ORDER FINDING MISCONDUCT, VACATING PANEL
ORDER OF DISMISSAL AND IMPOSING NO DISCIPLINE**

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

Respondent was admitted *pro hac vice* to litigate a matter in the United States District Court for the Eastern District of North Carolina and was found by the court to have violated North Carolina Rule of Professional Conduct 4.2. The Grievance Administrator filed a petition for order to show cause with this Board and the matter was assigned for hearing to Tri-County Hearing Panel #66, which found that identical discipline was clearly inappropriate and dismissed this reciprocal discipline proceeding. The Administrator has petitioned for review and this Board has conducted proceedings in accordance with MCR 9.118. For the reasons set forth in the attached opinion, we find that, pursuant to former MCR 9.104(B), misconduct has been established, that the panel's order of dismissal should be vacated, and that an order imposing no discipline is appropriate.

NOW THEREFORE,

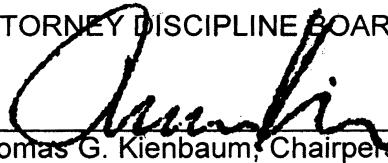
IT IS HEREBY ORDERED that the order of dismissal issued by Tri-County Hearing Panel #66 on March 6, 2012, is **VACATED**.

IT IS FURTHER ORDERED that respondent is found to have committed misconduct, pursuant to MCR 9.104(B), but we impose no discipline.

IT IS FURTHER ORDERED that respondent shall, on or before **December 8, 2012**, pay costs in the amount of **\$1,907.30**. 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:


Thomas G. Kienbaum, Chairperson

DATED: November 9, 2012

Board members Thomas G. Kienbaum, James M. Cameron, Jr., Rosalind E. Griffin, M.D., Andrea L. Solak, Carl E. Ver Beek, Craig H. Lubben, Lawrence G. Campbell, and Dulce M. Fuller concur in this decision.

Board member Sylvia P. Whitmer, Ph. D., was absent and did not participate.