

STATE OF MICHIGAN
Attorney Discipline Board

GRIEVANCE ADMINISTRATOR,
Attorney Grievance Commission,

Petitioner,

v

Case No. 10-140-GA

GREGORY J. REED, P 24750,

Respondent.

FILED
ATTORNEY DISCIPLINE BOARD
11 SEP 27 PM 3:39

ORDER DENYING MOTION FOR DISQUALIFICATION OF HEARING PANEL

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

Respondent, Gregory J. Reed, filed a brief on September 12, 2011, expressing his concurrence in the combined motion filed by Respondent Hammonds on September 6, 2011, entitled "Attorney Hammonds' Motion for Summary Disposition and Disqualification or in the Alternative for Dismissal." Under MCR 9.115(F)(2)(b), a motion for disqualification is to be decided by the chairperson of the Attorney Discipline Board under the guidelines of MCR 2.003. That portion of respondents' motion requesting the disqualification of Tri-County Hearing Panel #80 has therefore been considered by the undersigned, in his capacity as chairperson of the Attorney Discipline Board, together with the Grievance Administrator's answer.

The Grievance Administrator's complaint in this matter was filed December 28, 2010. Attached to the complaint were 27 exhibits consisting of docket sheets, pleadings, transcripts, exhibits and other documents certified by the clerk of the United States District Court for the Northern District of Indiana as true copies of documents from the court's file in the matter of *Cheryl Janky v Lake County Convention and Visitors Bureau*, Case No. 3:05 cv 217. On September 6, 2011, Respondent Hammonds filed the instant motion to disqualify the panel on the grounds that (1) attachment of the court documents to the complaint was improper and (2) the hearing panel's exposure to these documents requires the panel's disqualification. In addition, Respondent Reed argues that disqualification of the hearing panel is required because of the panels' knowledge that a co-respondent, Francois Nabwangu [*Grievance Administrator v Francois Nabwangu*, Case No. 10-139-GA] entered into a stipulation for consent order of reprimand which has been considered and approved by the panel.

The Board's chairperson agrees with the Grievance Administrator that the 1995 order of the Attorney Discipline Board in *Grievance Administrator v Jaques*, Case No. 7/86 (ADB 1995) is distinguishable. That order does not constitute precedent for the proposition that the attachment of court documents to a formal complaint in a discipline proceeding is *per se* improper or that disqualification of the hearing panel is automatically required. As noted above, the complaint in this matter was filed December 28, 2010. Respondent Nabwangu's stipulation for consent order of discipline was filed April 26, 2011. Respondent Reed has failed to show why this motion for disqualification was not filed within a reasonable time following service of the formal complaint or

the filing of Respondent Nabwangu's stipulation for consent discipline; respondent has failed to establish that the panel's exposure to the court file or the stipulation for consent discipline is inherently prejudicial; and respondent has otherwise failed to establish grounds for disqualification under MCR 2.003.

For all these reasons, respondent's motion to disqualify Tri-County Hearing Panel #80 is **DENIED**.

ATTORNEY DISCIPLINE BOARD

By:



William J. Sanhof, Chairperson

DATED: September 27, 2011