

STATE OF MICHIGAN

FILED
ATTORNEY DISCIPLINE BOARD
10 MAY 10 PM 3:32

Attorney Discipline Board

In the Matter of the Reinstatement Petition
of David S. Feinberg, P 42854,

Case No. 08-70-RP

Petitioner.
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ORDER DENYING MOTION FOR RECONSIDERATION

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

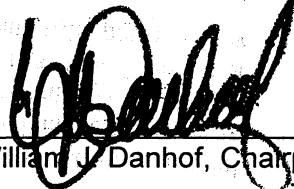
The reinstatement petitioner, David S. Feinberg, has filed a motion seeking reconsideration of the Attorney Discipline Board's March 25, 2010 order affirming hearing panel order denying petition for reinstatement. The Grievance Administrator has filed a response to petitioner's motion; and the Board is otherwise fully advised,

NOW THEREFORE,

IT IS ORDERED that petitioner's motion for reconsideration is **DENIED** for the reason that the Board is not persuaded that relief requested by petitioner should be granted. While petitioner's motion recites continued abstinence and payment toward various obligations, these are not the only factors pertinent to a reinstatement proceeding by this petitioner. For example, as this Board's March 25, 2010 opinion stated, if at some point in the future petitioner seeks reinstatement again, his lack of candor to the 54A District Court and his conduct with respect to his client, Donald B. Wittenberg, must be fully addressed. This will "require a searching inquiry into the causes for the conduct . . . and the most convincing showing that a genuine transformation has occurred." *In Re Reinstatement of Arthur R. Porter, Jr.*, 97-302-RP (1999). Among other things, this inquiry may involve consideration of whether petitioner's settlement of the claims by the Wittenberg estate, if fully paid, represents adequate restitution under all of the circumstances. Finally, neither this order, nor any opinion or order entered previously provides a checklist for reinstatement. The requirements of MCR 9.123(B) are intentionally broad because a reinstatement panel is given a solemn responsibility to declare to the public, the courts and the legal profession that a petitioner can safely be recommended as a person fit to be consulted in matters of trust and confidence and that he or she understands the standards imposed on lawyers and will conduct himself or herself accordingly. MCR 9.123(B)(5)-(7). This will always "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, supra*.

ATTORNEY DISCIPLINE BOARD

By:



William J. Danhof, Chairperson

DATED: May 10, 2010