

STATE OF MICHIGAN

FILED
ATTORNEY DISCIPLINE BOARD

Attorney Discipline Board

09 OCT 30 AM 11:11

GRIEVANCE ADMINISTRATOR,
Attorney Grievance Commission,

Petitioner,

v

Case No. 07-25-RP

MICHAEL A. CONWAY, P 12165,

Respondent.

**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 #19 of the Attorney Discipline Board entered an order in this matter on February 19, 2009 denying the petition for reinstatement filed by petitioner Michael A. Conway. 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 and the Board is otherwise fully advised,

NOW THEREFORE,

IT IS ORDERED that the order denying petition for reinstatement filed in this matter on February 19, 2009 is **AFFIRMED**.

At the time of his filing this petition for reinstatement, petitioner was the subject of seven discipline orders: a suspension for 18 months, commencing January 26, 1999; suspensions for five years to run concurrently in five separate matters, commencing February 28, 2000 and a three year suspension commencing June 14, 2000.¹

Under MCR 9.123(B), an attorney whose license to practice law has been revoked or suspended for more than 179 days is not eligible for reinstatement unless the attorney has established all of the applicable criteria in MCR 9.123(B)(1)-(7) by clear and convincing evidence. On review, the Attorney Discipline Board must determine whether or not a hearing panel's findings had proper evidentiary support in the whole record. *In Re Reinstatement of Leonard R. Eston*, 94-78-RP (ADB 1995); *Grievance Administrator v August*, 438 Mich 296, 304; 475 NW2d 256 (1991).

¹The specifics of these suspension orders are detailed in the record below, including the Grievance Administrator's Investigative Report filed March 23, 2007 and the hearing panel's opinion filed February 19, 2009.

In reaching its conclusion that respondent had not satisfied his burden of establishing eligibility for reinstatement by clear and convincing evidence, the panel concluded in its report:

This Panel is well appreciative of the Petitioner's efforts in rehabilitating himself from his drinking problem. We are happy to hear he is in full remission from alcohol and that his medical condition has stabilized. As a member of the community he should be lauded for these efforts at sobriety and encouraged to continue, both for himself and the others that he associates with and educates. But it must be remembered that Petitioner's misconduct was not an isolated incident. They occurred over a span of years from 1990 to 1999 and beyond. They were calculated, systematic and pervasive. They no doubt affected the way that his clients and others perceive lawyers and the legal system.

Taking into account Petitioner's past conduct, the nature of his misconduct which led to his suspensions, and his conduct subsequent to his suspensions, the Panel is not convinced that Petitioner can be safely recommended to the public.

A lawyer's stock and trade is not only his knowledge and skill, but also the trust and confidence he instills in his clients. The discipline imposed previously goes to the very heart of those principles. This Panel cannot safely recommend to the public, the courts and the legal profession that Mr. Conway is a person fit to practice law, to represent clients, and act otherwise in matters of trust and confidence. [Hearing Panel Report 02/19/09, pp 4-5.]

There is ample evidentiary support in the record for the panel's conclusion and the Board is not persuaded that the panel's well-reasoned decision should be disturbed.

IT IS FURTHER ORDERED that petitioner shall, on or before **November 28, 2009**, pay costs in the amount of **\$100.00** for transcript fees incurred at the review hearing conducted September 9, 2009. 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).

DATED: October 30, 2009

By:

ATTORNEY DISCIPLINE BOARD


William J. Danhof, Chairperson

Board members William J. Danhof, Thomas G. Kienbaum, William L. Matthews, C.P.A., Rosalind E. Griffin, M.D., Carl E. Ver Beek, Craig H. Lubben and James M. Cameron, Jr., concur in this decision.

Board members Billy Ben Baumann, M.D. and Andrea L. Solak did not participate.