

STATE OF MICHIGAN

FILED
ATTORNEY DISCIPLINE BOARD

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Attorney Discipline Board

GRIEVANCE ADMINISTRATOR,
Attorney Grievance Commission,

Petitioner,

v

Case No. 17-136-GA

CHRISTOPHER S. EASTHOPE, P 53097

Respondent.

**ORDER DENYING RESPONDENT'S MOTION
FOR ASSIGNMENT TO A NEW HEARING PANEL**

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

This matter is before the panel upon the filing of Formal Complaint 17-136-GA on November 16, 2017. Respondent filed an answer to the complaint on December 20, 2017. The panel ruled on pretrial motions filed by both parties and misconduct hearings took place before the panel on April 19 and 20, 2018. By the conclusion of those hearings, both parties rested their respective cases and gave oral closing arguments. The panel requested that the parties simultaneously file briefs in the nature of findings of fact and conclusions of law by June 30, 2018, and an order to that effect was entered on April 23, 2018.

On June 25, 2018, the parties filed a joint motion to adjourn further proceedings in which they requested that the proceedings, including the deadline for submission of the briefs requested by the panel, be adjourned for 45 days as the parties were attempting to resolve the issues before the hearing panel. On June 29, 2018, the panel issued an order that, in part, granted the parties' request and ordered them to simultaneously file their respective briefs or submit an alternative resolution to the panel by August 15, 2018.

On August 9, 2018, the parties filed a stipulation for consent discipline specifically indicating that the stipulation was filed pursuant to MCR 9.115(F)(5). On September 7, 2018, the panel issued an order denying the stipulation for consent discipline and scheduling briefs. In the order, the panel reasoned that the procedure for consideration of a stipulation for consent order of discipline, as set forth in MCR 9.115(F)(5), did not apply at that point in the proceedings before them because it is a prehearing procedure.

The order further required the parties to file the briefs previously requested by the panel on or before October 5, 2018. Both parties timely filed their respective briefs. Respondent also filed a motion for assignment to a new hearing panel. On October 16, 2018, the Grievance Administrator filed a response to the motion, concurring with respondent's request for assignment to a new hearing panel. Respondent's motion is essentially a motion for disqualification. Pursuant to 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. Respondent's motion, and the Grievance Administrator's response have been considered by the undersigned.

NOW THEREFORE,

IT IS ORDERED that respondent's motion for assignment to a new hearing panel is **DENIED** for the reason that respondent has failed to establish grounds for disqualification under the guidelines for consideration of the disqualification of a judge under MCR 2.003(C) and, the undersigned is not persuaded that, based on objective and reasonable perceptions, the current hearing panel's continued participation in this matter will present a serious risk of actual bias impacting respondent's due process rights as enunciated in *Caperton v Massey*, 556 US 868; 129 S Ct 2252; 173 L Ed 2d 1208 (2009).

ATTORNEY DISCIPLINE BOARD

By: Michael Murray
Rev. Michael Murray, Chairperson

DATED: December 18, 2018