

## Attorney Discipline Board

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In the Matter of the Reinstatement Petition of  
DAVID S. FEINBERG, P 42854,

Petitioner/Appellant,

Case No. 11-145-RP

**ORDER VACATING ORDER DENYING PETITION FOR REINSTATEMENT;  
ORDER OF ELIGIBILITY FOR REINSTATEMENT WITH CONDITIONS**

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

Ingham County Hearing Panel #5 entered an order denying a petition for reinstatement filed in accordance with MCR 9.124 by petitioner/appellant, David S. Feinberg (hereinafter "petitioner"). The Attorney Discipline Board has considered petitioner's petition for review and has conducted review proceedings in accordance with MCR 9.118, which included a review of the record below and consideration of the briefs and arguments presented by petitioner and the Grievance Administrator at a review hearing conducted January 10, 2013. At the review hearing, the Grievance Administrator expressly maintained neutrality with regard to petitioner's reinstatement.

Subsequent to the review hearing, former Board Chairperson, Lori McAllister, was appointed by the Board as a Special Master to take additional testimony and to make a supplemental report to the Board pursuant to MCR 9.118(C)(2). The Special Master conducted a hearing on April 19, 2013, and her report was filed May 29, 2013. Both parties were given an opportunity to file written objections to the Master's report. No objections were filed.

In addition to the record before the panel, the Board has now considered the record of the proceeding before the Special Master, the Special Master's report, and the stipulation of the parties regarding legal malpractice insurance as a condition of reinstatement and the Board is otherwise fully advised;

**NOW THEREFORE,**

**IT IS ORDERED** that the hearing panel order denying petition for reinstatement entered **October 9, 2012**, is **VACATED** for the reason that the Board is persuaded that petitioner has satisfactorily established his eligibility for reinstatement under the criteria in MCR 9.123(B) by clear and convincing evidence.

**IT IS FURTHER ORDERED** that petitioner, David S. Feinberg, shall be **REINSTATED** to the practice of law in the State of Michigan upon proof that he has satisfied the following conditions:

1. Petitioner shall file written proof with the Attorney Discipline Board and the Grievance Administrator that he has been recertified by the State Board of Law Examiners;
2. Petitioner shall file proof with the Attorney Discipline Board and the Grievance Administrator that he has paid applicable membership dues to

the State Bar of Michigan in accordance with the Supreme Court's Rules Governing the State Bar.

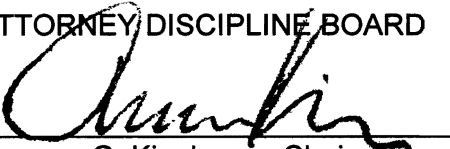
**IT IS FURTHER ORDERED** that upon satisfaction of the foregoing conditions, the Attorney Discipline Board shall enter an order of reinstatement which shall include the following further conditions:

1. Petitioner shall attend the "Lawyers Trust Accounts: Management Principles and Recordkeeping Resources" seminar, offered by the State Bar of Michigan at the next scheduled date following petitioner's reinstatement to the practice of law. Petitioner shall provide written verification of attendance to both the Grievance Administrator and the Attorney Discipline Board within 14 days of participation of this seminar.
2. Prior to recommencing the practice of law in a private office setting, petitioner shall obtain, and cause to be kept in effect at all times, a policy of insurance providing liability coverage for his professional malpractice, as follows:
  - a. Proof of procurement of such malpractice insurance coverage to the Grievance Administrator and the Attorney Discipline Board within 14 days of obtaining active-status in the State Bar of Michigan;
  - b. The amount of such malpractice insurance coverage shall be at least \$250,000/\$750,000; and,
  - c. Such malpractice insurance coverage for petitioner shall be in effect at all times that he is an active-status member of the State Bar of Michigan.

**IT IS FURTHER ORDERED** that petitioner shall pay court reporting costs incurred by the Board for the hearing conducted before the Special Master on **April 19, 2013**, in the amount of **\$365.00**. This cost shall be added to the payment plan currently in effect. Petitioner's final payment shall now be due on or before **July 27, 2014**, in the amount of **\$365.00**. [Costs may be paid by check or money order 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.]

ATTORNEY DISCIPLINE BOARD

By:

  
Thomas G. Kienbaum, Chairperson

DATED: July 31, 2013

Board members Thomas G. Kienbaum, James M. Cameron, Jr., Sylvia P. Whitmer, Ph.D., Rosalind E. Griffin, M.D., Carl E. Ver Beek, Craig H. Lubben, Lawrence G. Campbell, Dulce M. Fuller and Louann Van Der Wiele concur in this decision.