

STATE OF MICHIGAN

Attorney Discipline Board

In the Matter of the Reinstatement Petition of  
LANA L. SHAFER, P 33109,

Petitioner/Appellant,

Case No. 08-171-RP

FILED  
ATTORNEY DISCIPLINE BOARD  
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**ORDER AFFIRMING HEARING PANEL'S DENIAL OF REINSTATEMENT**

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

Reinstatement petitioner, Lana L. Shafer, was the subject of an order revoking her license to practice law in Michigan, effective August 31, 1998, following her felony conviction for delivery of, and conspiracy to deliver, cocaine.<sup>1</sup> Petitioner seeks reversal of the hearing panel order entered May 7, 2009 denying her petition for reinstatement. Petitioner argues that the hearing panel's conclusion that she engaged in the practice of law since the effective date of revocation was unsupported by the evidence; that the panel gave undue weight to two unsatisfied civil judgments against her; that the panel erred in finding that her continued contact with an individual who she associated with at the time of her arrest militates against reinstatement; and that the totality of the record supports a finding that she is now fit to be entrusted with a license to practice law in Michigan.

The Attorney Discipline Board has conducted review proceedings in accordance with MCR 9.118, including review of the record before the hearing panel and consideration of the briefs and arguments presented by the parties. In reviewing a hearing panel decision to grant or deny reinstatement, the Board must determine whether the hearing panel's findings have proper evidentiary support in the whole record. *Grievance Administrator v August*, 438 Mich 296, 304; 475 NW2d 256 (1991). In this case, we are persuaded by petitioner's argument that evidentiary support is lacking in the record for a conclusion that petitioner's employment as a contract administrator for a corporation involved activities that could be fairly characterized as engaging in the unauthorized practice of law or holding herself out as an attorney. The hearing panel's finding that petitioner did not establish eligibility for reinstatement as to MCR 9.123(B)(3) is therefore **REVERSED**.

However, while this is a close case, we decline to disturb the hearing panel's conclusion that petitioner failed to establish eligibility, by clear and convincing evidence, under MCR 9.123(B)(7) which requires a showing that:

(7) taking into account all of the attorney's past conduct, including the nature of the misconduct which led to the revocation or suspension, he or she nevertheless can safely be recommended to the public, the courts, and the legal profession as a person fit to be consulted by others and to represent them and otherwise act in

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<sup>1</sup>*Grievance Administrator v Lana L. Shafer*, Case Nos. 98-214-AI; 99-34-JC.

matters of trust and confidence, and in general to aid in the administration of justice as a member of the bar and as an officer of the court.

Specifically, there is evidentiary support in the record upon which the panel could find that petitioner's continued association with Philip Gilin and her failure to make arrangements with creditors for discharge of financial obligations, including two outstanding civil judgements, prevent a finding that she has met her burden with regard to the requirements of that subrule. For these two reasons, we conclude that the panel's order denying reinstatement at this time should be affirmed.

NOW THEREFORE,

**IT IS ORDERED** that the hearing panel order denying petition for reinstatement entered May 7, 2009 is **AFFIRMED**.

**IT IS FURTHER ORDERED** that respondent shall, on or before **December 29, 2009**, pay court reporting costs incurred by the Attorney Discipline Board in the amount of **\$130.00** for the review proceedings conducted on 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).

ATTORNEY DISCIPLINE BOARD

By:

  
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William J. Danhof, Chairperson

DATED: November 30, 2009

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

Board members Billy Ben Baumann, M.D. and Andrea L. Solak did not participate. Board member James M. Cameron, Jr. was recused and did not participate.