

IN THE MATTER OF THE REINSTATEMENT  
OF THEODORE G. ALBERT,  
Petitioner-Appellee.  
No. 34422-A

Decided: April 26, 1979

OPINION

FACTS

This matter was remanded by the Supreme Court to the Attorney Discipline Board with directions that a new hearing be held on Respondent's Petition for Reinstatement. The matter was assigned to the original Hearing Panel for reconsideration based on the Supreme Court decision which eliminated the criteria of remorse in reinstatement proceedings. In the Matter of Albert, 403 Mich 346, 269 NW2d 173 (1978).

Hearing Panel No. 1, 10th Congressional District, concluded that Appellee had made the required showing in support of his Petition for Reinstatement and ordered reinstatement without recertification by the Board of Law Examiners.

The Grievance Administrator's Claim of Appeal includes the following reasons in support of the contention that Appellee should not be reinstated:

- (1) Respondent did not follow the Orders of Suspension, holding himself out as a person to practice law in Michigan after his suspension;
- (2) Since more than three (3) years have elapsed Since Respondent was suspended, he has failed to show his recertification pursuant to GCR 972.2(8).

At the April 26, 1979 Review Hearing, the Discipline Board questioned counsel for the Grievance Administrator regarding evidence which would refute Appellee's testimony that he had complied with the criteria for reinstatement set forth in GCR 1963, 972.2 (1-7). The reply of Counsel for the Grievance Administrator was that no such evidence existed. Nor did Counsel for the Grievance Administrator offer evidence to support the contention that the Appellee had held himself out as a licensed practitioner during the period of suspension of several years. (Board Tr. at 3.)

The Grievance Administrator has requested that the Board hold its decision in this matter in abeyance until the Supreme Court has an opportunity to decide, in similar cases, whether an attorney suspended for more than three (3) years must be recertified by the Board of Law Examiners even though the status of suspension did not result from an actual Order of Suspension of three years or more. However, the Board is in agreement with the finding of the Hearing Panel below that GCR 1963, 972.2 (8), requiring recertification pursuant to suspension of three years or more, is not applicable to Appellee since an Order of Suspension of three years or more has never been entered

in the history of this case.

**DECISION BY THE BOARD**

An Order shall enter denying the Grievance Administrator's Claim of Appeal, and allowing reinstatement without recertification by the Board of Law Examiners.