

State of Michigan
Attorney Discipline Board

**In the Matter of the Reinstatement
Petition of Mark C. Burger, P40856,**

ADB Case No. 10-4-RP

Petitioner.

Notice of Hearing on Petition for Reinstatement

Notice is given that Mark C. Burger has filed a petition for reinstatement in the Supreme Court of the State of Michigan and with the Attorney Grievance Commission seeking reinstatement as a member of the State Bar, and restoration of his license to practice law.

The Grievance Administrator filed a nineteen-count complaint, which charged that petitioner neglected legal matters entrusted to him by nineteen clients; failed to return an unearned fee in fourteen matters; failed to deposit an advanced fee into a client trust account; and, in one matter, misrepresented to a client that court dates in her bankruptcy matter were adjourned when, in fact, he had not filed a bankruptcy petition on the client's behalf.

In accordance with MCR 9.115(F)(5), the Attorney Grievance Commission and a hearing panel approved a stipulation for consent discipline submitted by the Grievance Administrator and the petitioner containing the petitioner's plea of no contest to the charges of misconduct in the formal complaint, with the exception of one allegation that petitioner failed to return an unearned fee. The parties further stipulated that petitioner's license to practice law in Michigan should be suspended for 180 days; that he pay restitution to

former clients in the aggregate amount of \$9,254; and that, in the event of his reinstatement to the practice of law, he shall be subject to a two-year period of probation with conditions subject to the established misconduct.

In accepting the stipulation for consent discipline, the hearing panel found that petitioner committed professional misconduct in violation of MCR 9.104(A)(1)-(4); and Michigan Rules of Professional Conduct 1.1(c); 1.2(a); 1.3; .14(a) and (b); 1.15(a) [recently amended to 1.15(g)]; 1.16(d); and 8.4(a)-(c).

The reinstatement hearing in this matter is scheduled for April 12, 2010, at 10:00 am at the office of George C. Watson, 316 McMorran Blvd., Port Huron, Michigan 48060.

In the interest of maintaining the high standards imposed upon the legal profession as conditions for the privilege to practice law in this state, and of protecting the public, the judiciary and the legal profession against conduct contrary to such standards, the petitioner will be required to establish his eligibility for reinstatement by evidence that is clear and convincing.

Any interested person may appear at such hearing and be heard in support of or in opposition to said petition for reinstatement. Any person having information bearing on the petitioner's eligibility for reinstatement should contact:

Dina P. Dajani
Associate Counsel
Attorney Grievance Commission
243 W. Congress, Ste. 256
Detroit, Michigan 48226
(313) 961-6585

The Petitioner is required to establish by evidence that is clear and convincing the following:

1. He desires in good faith to be restored to the privilege to practice law in this

state;

2. The term of the suspension ordered has elapsed or five years have elapsed since revocation of the license;

3. He has not practiced or attempted to practice law contrary to the requirement of his suspension or revocation;

4. He has complied fully with the terms of the order of discipline;

5. His conduct since the discipline has been exemplary and above reproach;


6. He has proper understanding of, and attitude towards the standards that are imposed upon members of the Bar and that he will conduct himself in conformity with such standards;

7. He 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 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;

8. That if he has been suspended for three years or more, he has been recertified by the Board of Law Examiners;

9. That he has reimbursed or has agreed to reimburse the Client Protection Fund any money paid from the fund as a result of his conduct. Failure to fully reimburse as agreed is grounds for revocation of a reinstatement.

Dated: January 19, 2010


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