

Attorney Discipline Board

2023-Oct-17

GRIEVANCE ADMINISTRATOR,
Attorney Grievance Commission,

Petitioner,

v

Case No. 23-38-RD

NEJLA K. LANE, P 68737

Respondent.

**AMENDED ORDER GRANTING RESPONDENT'S MOTION FOR RECONSIDERATION,
VACATING ORDER OF SUSPENSION, AND REFERRING TO HEARING PANEL
FOR DISPOSITION AND BRIEFING ORDER¹**

On May 2, 2023, the Grievance Administrator filed a Notice of Filing of Reciprocal Discipline Pursuant to MCR 9.120(C), along with a certified copy of the Supreme Court of Illinois Order in the matter captioned *In re Nejla K. Lane*, Case No. M.R. 031402, suspending respondent from the practice of law for nine (9) months, with the suspension stayed after six (6) months by a six (6) month period of probation, subject to conditions, dated January 17, 2023, and effective February 7, 2023. The notice filed by the Administrator requested that the Board "impose a six-month suspension, which represents comparable discipline to that imposed by the Illinois Supreme Court."

Under MCR 9.120(C)(1), misconduct is conclusively established and comparable discipline shall be imposed in Michigan unless it is established that respondent was not afforded due process of law in the course of the original proceeding or that the imposition of comparable discipline in Michigan would be clearly inappropriate.

On May 11, 2023, an Order Regarding Imposition of Reciprocal Discipline was issued, giving the parties 21 days to inform the Board in writing (i) of any objection to the imposition of comparable discipline in Michigan based on the grounds set forth in MCR 9.120(C)(1); and (ii) whether a hearing is requested. No objections were filed and neither party requested a hearing. As a result, and pursuant to MCR 9.120(C)(6), the board imposed the six-month suspension requested by the Grievance Administrator. An Order of Suspension was entered on July 6, 2023.

On August 3, 2023, respondent filed a Motion for Reconsideration, seeking reconsideration of the July 6, 2023 order of suspension. Respondent asserts that the Michigan and Illinois discipline are not comparable because reinstatement after a six-month suspension is automatic in Illinois, but in Michigan, she will have to petition for reinstatement. Counsel for the Grievance Administrator was requested to file a response, and she did so on August 17, 2023.

¹ Amended only to correct the case number in the order's caption.

Having considered the notice and orders above, as well as respondent's motion for reconsideration and the Grievance Administrator's response, and the Board otherwise being advised;

NOW THEREFORE,

IT IS ORDERED that respondent's Motion for Reconsideration is **GRANTED**.

IT IS FURTHER ORDERED that the July 6, 2023 Order of Suspension is **VACATED**.

IT IS FURTHER ORDERED that this matter is referred to a hearing panel of the Attorney Discipline Board for disposition, pursuant to MCR 9.120(C)(3) and (6).

IT IS FURTHER ORDERED that the parties file briefs for the hearing panel within 14 days of the date of this order, that specifically address the following issues:

1. What constitutes comparable discipline in Michigan, given that a six-month suspension in Illinois does not require a petition for reinstatement like it does in Michigan?
2. Does the misconduct warrant lessor discipline in Michigan?
3. Should any discipline imposed in Michigan coincide with the dates of respondent's suspension in Illinois?

IT IS FURTHER ORDERED that respondent's simultaneously filed motions, for Leave to File Respondent Affidavit Pursuant to MCR 9.119(C), *Instante* and to waive costs, are **DISMISSED** as moot without prejudice to refiling following the panel's consideration of the question of comparable discipline.

ATTORNEY DISCIPLINE BOARD

By: /s/ Alan Gershel
Chairperson

Dated: October 17, 2023

Board members Linda S. Hotchkiss, MD, Alan Gershel, Rev. Dr. Louis J. Prues, Peter A. Smit, Linda M. Orlans, Jason M. Turkish, Andreas Sidiropoulos, MD, Katie Stanley, and Tish Vincent concur in this decision.