

STATE OF MICHIGAN

Attorney Discipline Board

FILED  
ATTORNEY DISCIPLINE BOARD

2021-Dec-14

GRIEVANCE ADMINISTRATOR,  
Attorney Grievance Commission,

Petitioner,

v

Case No. 19-27-GA

D. MICHAEL CHERRY, P 23882,

Respondent.

\_\_\_\_\_ /

**ORDER GRANTING RESPONDENT'S MOTION FOR  
RECONSIDERATION AND VACATING CONDITIONS**

Issued by the Attorney Discipline Board  
333 West Fort St., Ste. 1700, Detroit, MI 48226

Respondent petitioned the Attorney Discipline Board for review of the order entered by Tri-County Hearing Panel #103 on December 8, 2020, that modified the conditions imposed in the panel's original order of reprimand with conditions (by consent) issued on June 27, 2019. On September 23, 2021, the Attorney Discipline Board issued an order affirming the hearing panel's order modifying conditions in its entirety. On October 21, 2021, respondent filed a motion for reconsideration of the Board's order. On November 15, 2021, the Grievance Administrator filed a response opposing respondent's request for reconsideration. Pursuant to MCR 9.118(E), a motion for reconsideration may be filed at any time before the Board's order takes effect and if the discipline order is a suspension for 179 days or less, a stay of the discipline order will automatically issue on the timely filing of a motion for reconsideration.<sup>1</sup>

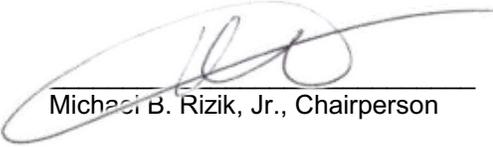
On reconsideration, the Board is persuaded that the conditions set forth in the hearing panel's June 27, 2019 order and the modified conditions set forth in the hearing panel's December 8, 2020 order are unnecessary given the time that has now passed since respondent's successful completion of his criminal probation and for the protection of the public or the legal system.

**NOW THEREFORE,**

**IT IS ORDERED** that respondent's motion for reconsideration is **GRANTED** to the extent that the conditions set forth in the panel's June 27, 2019 order of reprimand with conditions (by consent) and December 8, 2020 order modifying conditions are **VACATED**. The panel's order of reprimand remains in effect.

ATTORNEY DISCIPLINE BOARD

By:

  
\_\_\_\_\_  
Michael B. Rizik, Jr., Chairperson

Dated: December 14, 2021

Board members Michael B. Rizik, Jr., Linda Hotchkiss, MD, Rev. Dr. Louis J. Prues, Karen D. O'Donoghue, Linda M. Orleans, and Jason M. Turkish concur in this decision.

Board members Michael S. Hohausser and Peter A. Smit dissent and would refer the case to a master.

Board member Alan M. Gershel was recused and did not participate in the discussion or decision of this matter.

<sup>1</sup> In accordance with MCR 9.115(K), the filing of respondent's petition for review and petition for stay resulted in an automatic stay of the hearing panel Order Modifying Conditions. (See January 11, 2021 Notice of Automatic Stay.)