

STATE OF MICHIGAN

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ATTORNEY DISCIPLINE BOARD  
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Attorney Discipline Board

In the Matter of the Reinstatement Petition of  
ROBERT L. WIGGINS, JR., P 32359,

Petitioner.

Case No. 11-104-RP

**ORDER AFFIRMING HEARING PANEL ORDER  
DENYING PETITION FOR REINSTATEMENT**

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

Tri-County Hearing Panel #61 of the Attorney Discipline Board entered an order in this matter on March 2, 2012, denying the petition for reinstatement filed by petitioner Robert L. Wiggins, Jr. The panel issued an order denying petitioner's motion for reconsideration on April 10, 2012. Petitioner sought review of that decision by the Attorney Discipline Board in accordance with MCR 9.118. The Board has conducted review proceedings, including review of the record before the panel and consideration of the briefs and arguments presented by the parties at a review hearing before the Board on July 11, 2012.

In its report filed March 2, 2012, the hearing panel delivered its unanimous opinion that petitioner had not established the criteria in MCR 9.123(B)(4)-(7). In its review of the hearing panel's decision, the Attorney Discipline Board must first determine whether the panel's findings have proper evidentiary support in the whole record. *Grievance Administrator v Irving August*, 438 Mich 296, 475 NW2d 256 (1991). Applying that standard of review in this case, it is abundantly clear to the Board that there is ample evidentiary support for the hearing panel's conclusion that petitioner did not carry his burden of proof as to those criteria by clear and convincing evidence. To the extent that a panel's conclusions are based upon the panel members' assessment of a reinstatement petitioner's testimony, the Board will generally defer to those assessments in light of the panel's firsthand opportunity to judge credibility. *Grievance Administrator v Richard E. Meden*, 92-106-GA (ADB 1993); *Matter of Leonard R. Eston*, DP 48/85 (ADB 1987). Finally, while the Board possesses "a greater degree of discretion with regard to the ultimate conclusion" in its review of the hearing panel's decision [*Grievance Administrator v Alexander H. Benson*, 08-52-GA (ADB 2009)], the Board is not persuaded that the hearing panel erred or that reversal of the hearing panel's decision to deny reinstatement would be appropriate. On the contrary, the panel's carefully considered decision appears to be fully warranted.

**NOW THEREFORE,**

**IT IS ORDERED** that the order denying petition for reinstatement filed in this matter on March 2, 2012, is **AFFIRMED**.

**IT IS FURTHER ORDERED** that respondent shall, pay court reporting costs incurred by the Board for the review hearing conducted on July 11, 2012, in the amount of \$100.75. This cost shall be added to the payment plan currently in effect. Respondent's final payment shall now be due on or before November 18, 2012, in the amount of \$73.73, and the payment which was due October 18, 2012, shall now be in the amount of \$200.00. Costs may be paid by check or money order 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.

ATTORNEY DISCIPLINE BOARD

By:

  
Thomas G. Kienbaum, Chairperson

DATED: July 27, 2012

Board members Thomas G. Kienbaum, James M. Cameron, Jr., Rosalind E. Griffin, M.D., Andrea L. Solak, Carl E. Ver Beek, Craig H. Lubben, Lawrence G. Campbell, and Dulce M. Fuller concur in this decision.

Board Member Sylvia P. Whitmer, Ph.D., did not participate.