

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

In Re: ATTORNEY ANDREW SHIRVELL  
\_\_\_\_\_ /

Administrative Order  
No. 17-AD-068

**ORDER**

On May 4, 2017, this Court revoked Andrew Shirvell's privilege of practicing law in this Court based on an April 24, 2017 Order of the State Bar of Michigan's Discipline Board disbarring Mr. Shirvell. The Local Rules of this Court require the Chief Judge to enter an Order of reciprocal discipline. LCivR 83.1(m)(i); LCrR 57.1(m)(i). The Local Rules also permit an aggrieved subject of the discipline to seek modification or vacatur of the discipline within 28 days. LCivR 83.1(m)(ii); LCrR 57.1(m)(ii). Mr. Shirvell has submitted a timely request for relief.<sup>1</sup>

The Court is not satisfied that Mr. Shirvell has demonstrated a basis for modification or vacatur. The Local Rules provide only a narrow window for this type of relief. Moreover, they require that the basis for relief "clearly appears" from the record compiled by the original licensing jurisdiction. Here, Mr. Shirvell first contends that he has applied for rehearing and a stay before the State Bar. However, the State Bar has not yet stayed or overturned its own decision, and so Mr. Shirvell remains disbarred. If that changes in some way—either through stay or rehearing—Mr. Shirvell may naturally seek reinstatement under the Local Rules. Mr. Shirvell next claims that the State Bar process was flawed by political consideration and biased decision-makers, but the Court is not satisfied that the State Bar record demonstrates that in any way, let alone

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<sup>1</sup> Mr. Shirvell also submitted a \$400 check to cover a new case filing fee. When the Clerk's Office advised Mr. Shirvell no filing fee was necessary, he asked that the Office destroy his check, which was done.

"clearly." Moreover, the State Bar process is currently considering these claims by Mr. Shirvell as part of its own process. Finally, Mr. Shirvell contends the State Bar result would result in grave injustice, but the Court disagrees. Even Mr. Shirvell recognizes some discipline may have been appropriate—as much as a six-month suspension. He simply says disbarment was too drastic. But under the Local Rules of this Court, whether the Court suspends or revokes Mr. Shirvell makes very little difference: in either case Mr. Shirvell must re-apply and satisfy the Court he is worthy of reinstatement. So even from Mr. Shirvell's own submission, suggesting that suspension would be appropriate, the Court is satisfied no modification or vacatur is necessary here. Finally, the Court notes that Mr. Shirvell is not presently identified as counsel of record on any case pending within the District, so there is no potential of prejudice to third party litigants.

The Court further notes that it has made a careful review of Mr. Shirvell's submission to see whether there is at least a strong prima facie case of a political witch hunt, or biased decision-making process by the State Bar. A strong prima facie showing would not by itself establish the kind of clear showing required for the Chief Judge of the Court to act on his or her own to vacate or modify the normal reciprocal discipline required by the Local Rules of this Court. It might, however, warrant other interim or alternative relief, such as a three-judge panel hearing, or a stay of reciprocal discipline. The Court finds no such interim or alternative relief warranted. The record demonstrates a careful and deliberate process that led to two findings against Mr. Shirvell, and a dismissal of the third claim of misconduct. Neither of the findings of misconduct rested in any way on Mr. Shirvell's political or religious beliefs; rather they rested on documented conduct and case outcomes in other litigation. Finally, the claimed bases for bias in the decision makers rests on matters that were part of the public record before the State Bar proceedings. Moreover, the claimed

bases of bias really amount to little more than Mr. Shirvell's claim that two of the members of the panel have expressed political views contrary to his, and that the third member was active in student government. None of that is disqualifying in this case based on the claims at issue, and the panel's findings.

Accordingly, Mr. Shirvell's petition is **DENIED**.

**IT IS SO ORDERED.**

Dated: June 5, 2017

  
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ROBERT J. JONKER  
CHIEF UNITED STATES DISTRICT JUDGE