

Attorney Discipline Board

2020-Sep-16

GRIEVANCE ADMINISTRATOR,
Attorney Grievance Commission,

Petitioner/Appellee/Cross-Appellant,

v

Case No. 15-154-GA

SCOTT E. COMBS, P 37554,

Respondent/Appellant/Cross-Appellee.

ORDER DENYING IN PART AND GRANTING IN PART RESPONDENT'S PETITION FOR STAY OF ORDER OF SUSPENSION AND RESTITUTION

Issued by the Attorney Discipline Board
333 W. Fort Street, Suite 1700, Detroit, Michigan

Tri-County Hearing Panel #7 of the Attorney Discipline Board issued an Order of Suspension and Restitution on June 19, 2020, which ordered the suspension of respondent's license to practice law in Michigan for three years, and the payment of \$19,752.10 in restitution, effective July 11, 2020. Respondent filed a petition for review of the hearing panel's order along with a request for an interim stay of 60 days to allow his new counsel sufficient time to prepare a complete petition for stay pursuant to MCR 9.118(E). The Grievance Administrator filed a cross-petition for review and an objection to respondent's request for an interim stay of 60 days. The Attorney Discipline Board stayed the order of discipline on an interim basis, and ordered respondent to supplement his request for a stay pursuant to MCR 9.118(E).

On July 24, 2020, respondent filed a motion for stay pursuant to MCR 9.115(K), which the Board considers as the supplement that was ordered to be filed. On July 29, 2020, the Grievance Administrator filed a response to respondent's motion for stay, objecting to respondent's request.

The Attorney Discipline Board has considered respondent's request for a stay of the discipline and restitution imposed and the Administrator's objection; and the Board is otherwise fully advised;

NOW THEREFORE,

IT IS ORDERED that respondent's Motion for Stay pursuant to MCR 9.115(K), filed July 24, 2020, is **DENIED** as to the Order of Suspension.

IT IS FURTHER ORDERED that respondent's Motion for Stay is **GRANTED** pending review as to the Order of Restitution.

IT IS FURTHER ORDERED that the parties shall each submit, by September 25, 2020, a brief not exceeding eight pages in length addressing what effect, if any, the civil settlement between respondent and Mr. Novick has on the restitution ordered by the hearing panel in this matter. Responsive briefs, not to exceed five pages in length, may be filed by October 2, 2020.

IT IS FURTHER ORDERED that the interim stay of the Order of Suspension only is hereby dissolved and that respondent's license to practice law in Michigan is **SUSPENDED FOR THREE YEARS EFFECTIVE OCTOBER 8, 2020**, and until further order of the Supreme Court, the Attorney Discipline Board or a hearing panel, and until respondent complies with the requirements of MCR 9.123(B) and (C) and MCR 9.124.

IT IS FURTHER ORDERED that from the effective date of this order and until reinstatement in accordance with the applicable provisions of MCR 9.123, respondent is forbidden from practicing law in any form; appearing as an attorney before any court, judge, justice, board, commission or other public authority; or holding himself out as an attorney by any means.

IT IS FURTHER ORDERED that, in accordance with MCR 9.119(A), respondent shall, within seven days after the effective date of this order, notify all of his active clients, in writing, by registered or certified mail, return receipt requested, of the following:

1. the nature and duration of the discipline imposed;
2. the effective date of such discipline;
3. respondent's inability to act as an attorney after the effective date of such discipline;
4. the location and identity of the custodian of the clients' files and records which will be made available to them or to substitute counsel;
5. that the clients may wish to seek legal advice and counsel elsewhere; provided that, if respondent was a member of a law firm, the firm may continue to represent each client with the client's express written consent;
6. the address to which all correspondence to respondent may be addressed.

IT IS FURTHER ORDERED that in accordance with MCR 9.119(B), respondent must, on or before the effective date of this order, in every matter in which respondent is representing a client in litigation, file with the tribunal and all parties a notice of respondent's disqualification from the practice of law.

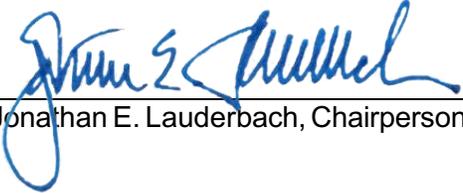
IT IS FURTHER ORDERED that, respondent shall, within 14 days after the effective date of this order, file with the Grievance Administrator and the Attorney Discipline Board an affidavit of compliance as required by MCR 9.119(C).

IT IS FURTHER ORDERED that respondent's conduct after the entry of this order but prior to its effective date, shall be subject to the restrictions set forth in MCR 9.119(D); and respondent's compensation for legal services shall be subject to the restrictions described in MCR 9.119(F).

IT IS FURTHER ORDERED that respondent shall, on or before October 8, 2020, pay costs in the amount of **\$11,670.46**. Check or money order shall be made payable to the Attorney Discipline System and submitted to the Attorney Discipline Board [333 West Fort St., Ste. 1700, Detroit, MI 48226] for proper crediting. (See attached instruction sheet.)

ATTORNEY DISCIPLINE BOARD

By:


Jonathan E. Lauderbach, Chairperson

DATED: September 16, 2020