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**NOTICE OF SUSPENSION AND RESTITUTION**

(Pending Review)<sup>1</sup>

Case No. 15-154-GA

**Notice Issued: October 16, 2020**

Scott E. Combs, P 37554, Plymouth, Michigan, by the Attorney Discipline Board Tri-County Hearing Panel #7.

Suspension - Three Years, Effective October 14, 2020.

The hearing panel found that respondent committed professional misconduct by regularly misusing his IOLTA (Count One), while representing a client in an employment discrimination action and by filing a lawsuit without his client's consent (Count Two), and while representing another client in a personal injury lawsuit (Count Three).

Specifically, the panel found that respondent filed an action of behalf of a client without authority to do so, in violation of MRPC 1.2(a); failed to keep a client reasonably informed about the status of a matter, in violation of MRPC 1.4(a); failed to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation, in violation of MRPC 1.4(b); engaged in a conflict of interest as a result of representing a client, when doing so may have been materially limited by respondent's own interest, in violation of MRPC 1.7(b)(1) and (2); held funds other than client or third party funds in an IOLTA account, in violation of MRPC 1.15(a)(3); failed to, upon request of his client, promptly render a full accounting of settlement funds, in violation of MRPC 1.15(b)(3); failed to keep his personal funds separate from client funds and/or disputed funds and failed to promptly distribute all portions of the funds held in the IOLTA which were not in dispute, in violation of MRPC 1.15(c); failed to hold property of clients or third persons in connection with a representation separate from his own funds, in violation of MRPC 1.5(d); maintained his own funds in his client trust account in an amount in excess of an amount reasonably necessary to pay financial institution service charges or fees, or to obtain a waiver of service charges or fees, in violation of MRPC 1.15(f); knowingly made a false statement of material fact or law to a tribunal and/or failed to correct a false statement of material fact made to a tribunal, in violation of MRPC 3.3(a)(1); and, engaged in conduct that involved dishonest, fraud, deceit, or misrepresentation where such conduct reflected adversely on the lawyer's honesty, trustworthiness, and fitness as a lawyer, in violation of MRPC 8.4(b). Respondent was also found to have violated MCR 9.104(1)-(4) and MRPC 8.4(a).

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<sup>1</sup> The panel's order of restitution is stayed until further order of the Board.

The panel ordered that respondent's license to practice law be suspended for a period of three years and that he pay restitution totaling \$19,725.10.

Respondent filed a timely petition for review seeking a decrease in the discipline imposed by the hearing panel, a decrease in the restitution imposed by the hearing panel, and requested an interim stay of 60 days to allow for the preparation of a full petition for a stay of discipline pursuant to MCR 9.115(K). The Grievance Administrator opposed respondent's request for an interim stay and filed a timely cross-petition for review seeking an increase in the discipline imposed by the hearing panel. The Board granted the interim stay for an abbreviated time frame.

Respondent timely filed his full motion to stay the hearing panel's order. After considering the positions of the parties, the Board granted respondent's petition for a stay of restitution, pending review, and denied respondent's petition for a stay of discipline ordering that the three-year suspension of respondent's license to practice law in Michigan begin on October 8, 2020.

On October 5, 2020, respondent filed a motion for reconsideration, and the Grievance Administrator filed a response that same day. The Board denied respondent's motion for reconsideration on October 13, 2020, but granted a stay, nunc pro tunc, from October 8, 2020 to October 13, 2020.

The review hearing in this matter is scheduled for October 21, 2020.

/s/ Mark A. Armitage  
Executive Director