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NOTICE OF DISBARMENT AND RESTITUTION

Case No. 15-154-GA

Notice Issued: December 8, 2021

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

Disbarment -Effective October 14, 2020

After proceedings conducted pursuant to MCR 9.115, the hearing panel found that respondent committed professional misconduct as charged in three counts of a four-count Formal Complaint filed against him by regularly misusing his IOLTA account, and during his representation of two separate, unrelated clients.

Specifically, the panel found that respondent took action on behalf of a client without authority to do so, in violation of MRPC 1.2(a) (Counts Two and Three); failed to keep a client reasonably informed about the status of a matter, in violation of MRPC 1.4(a) (Counts Two and Three); 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) (Counts Two and Three); 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) (Counts Two and Three); held funds other than client or third party funds in an IOLTA, in violation of MRPC 1.15(a)(3) (Counts One-Three); failed to promptly render to his client a full accounting of the settlement funds, upon his client's requests for the same, in violation of MRPC 1.15(b)(3) (Count Three); failed to keep his personal funds separate from client funds and/or disputed funds and failed to promptly distribute, and in particular to himself, all portions of the funds held in the IOLTA which were not in dispute, in violation of MRPC 1.15(c) (Counts One-Three); failed to safeguard the funds of clients, and/or disputed funds, in connection with a representation by failing to separate them from his own property, in violation of MRPC 1.15(d) (Counts One-Three); used an IOLTA as a personal and/or business checking account, and wrote checks and made electronic transfers directly from the IOLTA in payment of personal and/or business expenses, in violation of MRPC 1.15(c) and (d) (Counts One-Three); misappropriated his client's funds, in violation of MRPC 1.15(b)(3), (c), and (d) (Count Three); maintained on deposit in a client trust account his own funds in an amount more than reasonably necessary to pay financial institution charges or fees, or to obtain a waiver of service charges or fees, in violation of MRPC 1.15(f) (Counts One-Three); knowingly made a false statement of material fact to a tribunal and/or failed to correct a false statement of material fact made to the tribunal, in violation of MRPC 3.3(a)(1) (Counts Two and

Three); and, engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation where such conduct reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer, in violation of MRPC 8.4(b) (Counts One-Three). Respondent was also found to have violated MCR 9.104(1)-(4) and MRPC 8.4(a) (Counts One-Three).

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

Respondent timely filed a petition for review and requested an interim stay of 60 days to allow his new counsel sufficient time to prepare a complete petition for stay. The Grievance Administrator timely filed a cross-petition for review. On July 10, 2020, the Attorney Discipline Board entered an order granting, in part, respondent's request for an interim stay. The Board's order stayed the order of discipline on an interim basis and respondent was given 14 days to supplement his request for a stay. After respondent's supplement was filed, the Board issued an order denying in part, and granting in part, respondent's petition for stay of order of suspension and restitution, staying the panel's decision regarding restitution only and denying respondent's motion for a stay of his three-year suspension.

Respondent filed a motion for reconsideration regarding the stay, which was denied. On October 13, 2020, the Board entered an order granting a stay of the suspension of respondent's license to practice law in Michigan *nunc pro tunc* from October 8, 2020, to October 13, 2020, ordering that the interim stay of the order of suspension be dissolved, and ordering respondent's three-year suspension from the practice of law in Michigan to become effective October 14, 2020.

After proceedings conducted in accordance with MCR 9.118, the Board issued an opinion and order on April 1, 2021, affirming the hearing panel's findings of misconduct, modifying the order of restitution (restitution was reduced to \$19,252.10), and increasing the discipline imposed from a three-year suspension to disbarment. On April 29, 2021, respondent filed a timely application for leave to appeal with the Michigan Supreme Court, pursuant to MCR 9.122. On August 3, 2021, the Court issued an order denying respondent's application for leave to appeal. On August 24, 2021, respondent filed a motion for reconsideration of the Court's August 3, 2021 order. On December 1, 2021, the Court denied respondent's motion. Costs were assessed in the total amount of \$11,934.87.