

NOTICE OF SUSPENSION AND RESTITUTION

Case Nos. 94-149-GA; 94-170-FA; 94-171-GA

John R. Scholten, P-35817, Lansing, Michigan, by Attorney Discipline Board Ingham County Hearing Panel #3.

- 1) Suspension - three (3) years;
- 2) Effective March 25, 1995.

Respondent was appointed to represent the defendant in a pending criminal appeal matter. The panel found, by default, that respondent failed to take any action on his client's behalf for nearly two years; failed to prepare and file a notice of hearing and proof of service as required by local court rule; failed to keep his client reasonably informed concerning the status of the matter; and failed to answer the Request for Investigation.

Respondent was retained to represent a woman in a debt consolidation matter. At the time of his retention, she entrusted respondent with \$6,020 to be applied against her indebtedness. The panel found, by default, that respondent failed to seek to consolidate his client's debts; failed to make payments on any of the debts with the exception of one payment of \$643.27 made to a clothing retailer; failed to respond to numerous inquiries from his client or to keep her reasonably informed concerning the status of her matter; kept \$20 in cash from the \$6,020 entrusted to him by his client; failed to maintain the funds in trust; misappropriated \$5,356.73 of his client's funds; failed to make prompt, full restitution to his client despite her repeated requests; falsely represented to his client that he had paid various debts on her behalf; and failed to answer Formal Complaint 94-149-GA.

Respondent's conduct was found to be in violation of MCR 9.103(C); MCR 9.104(1)-(4)and(7); MCR 9.113(A)and(B)(2); and Michigan Rules of Professional Conduct 1.1(a)-(c); 1.3; 1.4; 1.15(a)-(c); 3.2; 8.1(b); and 8.4(a)-(c).

The panel ordered that respondent be suspended from the practice of law in Michigan for a period of three years and make restitution in the amount of \$702.82. Costs were assessed in the amount of \$511.77.