

## NOTICE OF SUSPENSION WITH CONDITIONS

Case Nos. 93-134-GA; 93-178-FA

John R. Scholten, P-35817, Lansing, Michigan, by the Attorney Discipline Board affirming a hearing panel Order of Suspension with Conditions.

- 1) Suspension - Forty-Five (45) Days;
- 2) Effective September 20, 1994.

Respondent failed to answer the Formal Complaint but appeared at the hearing held in Lansing on September 14, 1993. Respondent's default was entered, and the panel determined that the default established the allegations of the Formal Complaint.

Respondent was retained by the plaintiff/wife to commence divorce proceedings on her behalf, and was paid a \$400 attorney fee, but failed to commence or reinstate divorce proceedings on his client's behalf; failed to keep his client reasonably informed concerning the status of the matter; failed to promptly refund the unearned fee; and failed to answer the Request for Investigation.

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(c); 1.3; 1.4; 1.16(d); 8.1(b) and 8.4(a)and(c).

On November 1, 1993, Ingham County Hearing Panel #2 entered an order suspending respondent's license for a period of forty-five days with conditions, including \$400 restitution to the complainant. Respondent filed a petition for review and received an automatic stay of discipline pursuant to MCR 9.115(K). In an order and opinion entered on February 18, 1994, the Attorney Discipline Board affirmed the hearing panel order of suspension with conditions. Respondent filed an application for leave to appeal, which was denied by the Michigan Supreme Court in an order entered on August 29, 1994.

Costs were assessed in the amount of \$590.14.