

NOTICE OF SUSPENSION AND RESTITUTION

Case Nos. 91-103-GA; 91-117-FA

David B. Scholfield, P29354, Detroit, Michigan, by Attorney Discipline Board Tri-County Hearing Panel #28.

- 1) Suspension - 120 days;
- 2) Effective October 24, 1991.

Respondent failed to answer the formal complaints and failed to appear at the hearing held in Detroit on July 23, 1991. Respondent's defaults were entered, and the panel determined that the default established the allegations of the formal complaints.

In February, 1985, a consent judgment of divorce was entered in which respondent was the defendant. In violation of his duties as an attorney and officer of the court, respondent failed to comply with an order to show cause regarding his failure to pay child support; failed to appear for a hearing on the bench warrant; delivered two checks in the total amount of \$1500.00 to the Oakland County Friend of the Court in payment of child support which were dishonored for insufficient funds; and failed to answer the request for investigation.

Respondent's conduct was found to be in violation of MCR 9.104 (1-5,7); MCR 9.103(C); MCR 9.113(B); and the Michigan Rules of Professional Conduct, 3.4(c); 8.1(b); 8.4(a,c). The panel ordered respondent to make restitution to the complainant in the amount of \$4354.05. Costs were assessed in the amount of \$146.66.