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NOTICE OF INCREASE IN SUSPENSION

File No. DP 178/85

Kenneth M. Scott, P 32833, Flint, MI 48502 by the Attorney Discipline increasing a hearing panel order suspension of 180 days to a suspension of three years.

- 1) Suspension -- three years;
- 2) Effective August 19, 1987.

The hearing panel ordered that the Respondent be suspended for 180 days as the result of its findings that he commingled and misappropriated funds in his capacity as conservator of an estate and that he oversaw the preparation and filing of false documents with the Probate Court. The Respondent and the Grievance Administrator petitioned the Board for review of the panel's factual findings and for modification of this discipline imposed. The Board affirmed the panel's findings that funds representing a net recovery to the estate of \$18,880.00 were deposited in the trust account of Respondent's lawfirm on May 11, 1983 but then transferred to the firm's general account and disbursed to persons other than the client by June 7, 1983. The Board also affirmed the finding that Respondent instructed his clients to sign certain back-dated notes and receipts which were intended to be filed with the Probate Court. Two additional counts dismissed by the panel were found by the Board to be admitted by Respondent. Those counts alleged that Respondent knowingly delivered checks to the client and the successor fiduciary without sufficient funds in the account. Respondent's conduct was found to be in violation of MCR 9.104(1-4) and Canon's 1, 6, 7 and 9 of the Code of Professional Responsibility, DR 1-102(A)(4-6); DR 6-101(A)(3); DR 7-101(A)(3) and DR 9-102(A)(B)(2-4). Total costs in this matter were assessed in the amount of \$3180.06.

The discipline imposed by the panel was increased to a suspension of three years. In a further order dated March 17, 1988, Respondent's Motion for Reconsideration was denied.

  
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John F. VanBolt

Dated: MAY 12 1988