

FILED

APR 09 2008

**IN THE SUPREME COURT
OF THE STATE OF MISSISSIPPI** OFFICE OF THE CLERK
SUPREME COURT
COURT OF APPEALS

THE MISSISSIPPI BAR

COMPLAINANT

V.

CAUSE NO.: 2008-BD-00486-SCT

DAVID ZACHARY SCRUGGS

RESPONDENT

**RESPONDENT'S RESPONSE
TO THE MISSISSIPPI BAR'S MOTION
FOR INDEFINITE SUSPENSION**

COMES NOW, the Respondent, David Zachary Scruggs, in the above-styled and numbered cause, by and through his counsels of record in this matter, and files the instant RESPONSE TO THE MISSISSIPPI BAR'S MOTION FOR INDEFINITE SUSPENSION previously filed against said Respondent by the Complainant, The Mississippi Bar, and in support of said Response would show unto this Honorable Court as follows, to-wit:

1. The Respondent herein, David Zachary Scruggs, does not oppose The Mississippi Bar's Motion for Indefinite Suspension, Striking from Rolls, Suspending and Staying Proceedings, previously filed in the instant proceedings.
2. The Respondent herein, David Zachary Scruggs, wants this Court to be informed that even though he believes his Motion to Dismiss Formal

MOTION# 2008-955

Complaint is meritorious, well grounded in both the applicable law and Mississippi Rules of Discipline and should be sustained, that same was not filed as an act of defiance with this Court's exclusive and inherent jurisdiction over attorneys licensed to practice law in the State of Mississippi but to permit the Respondent the time and opportunity to take the necessary and appropriate steps or actions to protect his clients' best interests as required by Rules 1.16(d), Mississippi Rules of Professional Conduct, and 11 Mississippi Rules of Discipline such as, giving reasonable notice to his clients, all affected opposing counsel, courts and agencies of the impending disciplinary action that will ultimately be taken against him, allow time for employment of substitute or other counsel, surrender any papers and property to which the client is entitled, refund any advance fee to the client that has not yet been earned and give such other notice as this Court directs which is in the public's best interest.

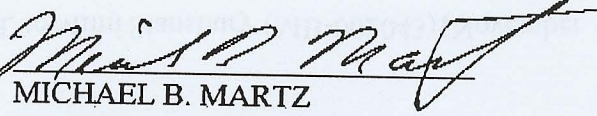
3. In addition, Respondent represents to this Court, as he did to the United States District Court on or about March 21, 2008, that he is truly and humbly sorry for his actions. He apologizes to this Court, the legal profession, which he deeply loves, and the people of the State of Mississippi for his actions. Furthermore, the Respondent herein takes full responsibility for his acts and is

prepared to accept the full consequences from all of the Courts involved and The Mississippi Bar.

Respectfully submitted this the 9th day of April, 2008.

DAVID ZACHARY SCRUGGS

BY:


MICHAEL B. MARTZ
CHARLES J. MIKHAIL

COUNSELS FOR THE
RESPONDENT, DAVID
ZACHARY SCRUGGS

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CERTIFICATE OF SERVICE

I, Michael B. Martz, do hereby certify that I have this date mailed a true and correct copy of the foregoing Response to Motion for Indefinite Suspension filed against David Zachary Scruggs by The Mississippi Bar to the Complainant's attorneys of record, Adam B. Kilgore, Esq., and James R. Clark, Esq. at their last known mailing address of:

Adam B. Kilgore, Esq.
The Mississippi Bar
Post Office Box 2168
Jackson, Mississippi 39225

James R. Clark, Esq.
The Mississippi Bar
Post Office Box 2168
Jackson, Mississippi 39225

This the 9th day of April, 2008.


MICHAEL B. MARTZ