

## NOTICE SUSPENSION AND RESTITUTION

Case Nos. 92-185-GA; 92-211-FA

Seymour Floyd, P-28796, Bingham Farms, Michigan, by the Attorney Discipline Board affirming a hearing panel order of suspension and restitution.

- 1) Suspension - three years;
- 2) Effective July 31, 1992.

Respondent failed to answer the formal complaints and failed to appear at the hearing held in Birmingham on September 24, 1992. Respondent's default was entered, and the panel determined that the default established the allegations of the formal complaints.

Respondent was retained to prosecute a personal injury matter.

A settlement was reached, and respondent received a check in the amount of \$3750. After respondent's fee and costs were deducted, the amount due the client was \$2500. Tri-County Hearing Panel #71 found that respondent withdrew the funds from his client trust account and retained the funds; failed to pay his client the funds to which he was entitled; issued a check to his client in the amount of \$2200 drawn on a closed bank account; and failed to answer the request for investigation.

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

The panel ordered that respondent's license be suspended for three years effective July 31, 1992, and that he make restitution to the complainant in the amount of \$2500.

The Grievance Administrator and the respondent each filed a petition for review. The Attorney Discipline Board affirmed the hearing panel order of suspension and restitution. Respondent filed a motion for reconsideration, which was denied by the Board. Respondent filed an application for leave to appeal, which was denied by the Michigan Supreme Court in an order entered November 30, 1993. Costs were assessed in the amount of \$422.85.

NOTE: Respondent's license to practice law in Michigan has been continuously suspended since May 24, 1991.