

## NOTICE OF INCREASED DISCIPLINE AND RESTITUTION

Case No. 90-129-GA

Seymour Floyd, P28796, Birmingham, Michigan, by the Attorney Discipline Board increasing a hearing panel order of reprimand and restitution.

- 1) Suspension - thirty (30) days;
- 2) Effective May 24, 1991.

The hearing panel found that misconduct as to Counts I and III of the formal complaint had been established by a preponderance of the evidence. Count II was dismissed. Respondent was retained to handle a criminal appeal and paid a \$2,750.00 retainer fee. Within less than a week, the client ended the representation and requested repayment of the fee, but the respondent failed to return the unused portion of the retainer fee although he had agreed to do so. Respondent failed to answer an unrelated request for investigation. Respondent's conduct was found to be in violation of MCR 9.104 (1-4,7); MCR 9.103(C); MCR 9.113(B)(2) and the Michigan Rules of Professional Conduct, 1.16(d); 8.4(a-c). The panel ordered the respondent to make full restitution to his client in the amount of \$2,750.00, plus interest of \$295.00, for the total amount of \$3,045.00.

The Grievance Administrator filed a petition for review seeking an increase in the discipline imposed. In an order dated May 2, 1991, the Attorney Discipline Board increased the discipline to a suspension of thirty days, and added further interest to the restitution to be computed at the statutory rate applicable to a civil judgment in a district court computed from January 18, 1991 to the date of payment. Costs were assessed in the amount of \$569.59.