

NOTICE OF SUSPENSION

Case No. 90-129-GA

Seymour Floyd, P28796, Birmingham, Michigan, by Attorney Discipline Board Tri-County Hearing Panel #84.

- 1) Suspension - eight (8) months;
- 2) Effective June 23, 1991.

The hearing panel found that misconduct as to Counts I and III of the formal complaint was 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 a week, the client ended the representation and requested repayment of the fee. Respondent failed to return the unused portion of the retainer fee although he 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.

Respondent failed to make restitution within the time prescribed by the original hearing panel order of reprimand and restitution. The grievance administrator filed a petition for order to show cause why further discipline should not be imposed. An order to show cause was entered and a show cause hearing was held before the panel. On June 27, 1991, the hearing panel entered its order suspending respondent's license for a period of eight months, to run consecutively to the thirty day suspension ordered by the Attorney Discipline Board. Total costs were assessed in the amount of \$812.20.