

NOTICE OF SUSPENSION

Case Nos. 91-64-GA; 91-98-FA

Seymour Floyd, P28796, Birmingham, Michigan, by Attorney Discipline Board Tri-County Hearing Panel #55.

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

Respondent failed to answer the formal complaints but appeared at the hearings held in Clarkston on August 14 and September 3, 1991. Respondent's defaults were entered and the panel determined that the defaults established the allegations of the formal complaints.

Respondent was retained to represent a defendant in a criminal case, but failed to appear for a hearing; failed to appear for the arraignment; failed to respond to his client's inquiries; improperly abandoned his representation of his client; failed to return the unearned portion of the \$2,000 retainer fee; and failed to answer the request for investigation.

Respondent was retained in another criminal case and accepted a \$2,000 retainer fee, but failed to appear for the arraignment; failed to appear for the preliminary examination; failed to advise his client that he would not appear for the hearings; failed to remain in communication with his client; failed to file a motion to withdraw; failed to refund \$1,500 of the unearned retainer fee; and failed to answer the request for investigation.

Respondent was retained to represent a defendant in a third case, but failed to provide competent representation. Respondent was retained by the same defendant to represent him on appeal of his conviction and was paid \$1,700 to obtain the transcripts for the appeal, but failed to file a claim of appeal; failed to obtain the transcript of the trial; failed to take any action for post conviction relief; failed to keep in communication with his client; failed to visit his client in prison to discuss the appeal; falsely represented to his client that he had filed an appeal; failed to refund the \$1,700 not used to obtain transcripts; and failed to answer the request for investigation.

Respondent represented a defendant at trial in a criminal matter and was appointed to represent him on appeal, but failed to timely file a notice of appeal; failed to file a response to a motion to dismiss; failed to communicate with his client; failed to file a motion for delayed appeal for over a year; and failed to respond to two letters of inquiry from the Attorney Grievance Commission.

Respondent was retained to represent a client in personal injury litigation, but failed to file a complaint; failed to respond to his client's inquiries; and failed to answer the request for investigation.

Respondent failed to answer a separate, 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); the Michigan Rules of Professional Conduct, 1.1(c); 1.2(a); 1.3; 1.4(a); 1.5(a); 1.16(d); 8.1(b); 8.4(a-c); and Canons 1, 6 and 7 of the then-applicable Code of Professional Responsibility, DR 1-102(A)(1,4-6); DR 6-101(A) (1-3); DR 7-101(A)(1-3).

The panel ordered that respondent be suspended from the practice of law in Michigan for a period commencing June 23, 1991 and ending June 1, 1993, to run concurrently with the eight month suspension imposed in Case No. 90-129-GA, after which respondent may file a petition for reinstatement in accordance with MCR 9.123 (B) and MCR 9.124(A). The order contained the provision that respondent may file his petition for reinstatement on June 1, 1992 if he complies with certain conditions in the order of suspension. Costs were assessed in the amount of \$393.88.