

Attorney Discipline Board



BOARD MEMBERS

Leo A. Farhat
 JOHN L. COTÉ, CHAIRPERSON
 MSGR. CLEMENT H. KERN
 DAVID BAKER LEWIS, SECRETARY
 FRANK J. MCDEVITT, D.O.
 WILLIAM G. REAMON
 LYNN H. SHECTER,
 VICE-CHAIRPERSON

JOHN F. X. DWAIHY
 EXECUTIVE DIRECTOR &
 GENERAL COUNSEL

SUITE 1260
 333 W. FORT STREET
 DETROIT, MICHIGAN 48226
 TELEPHONE: (313) 963-5553

NOTICE OF REPRIMAND

File Nos. DP- 44/80
 DP- 49/80
 DP- 56/80
 DP-163/80 (Consolidated)

WOODROW H. FLOYD, (P13537), 2121 First National Building, Detroit, Michigan 48226, by the Attorney Discipline Board amending a Hearing Panel decision.

- (1) Two separate reprimands;
- (2) Effective September 8, 1981.

The Discipline Board considered two separate multi-count complaints submitted for review. In both matters under review, Hearing Panels had dismissed charges of failure to answer a Grievance Commission Request for Investigation, based upon findings of lack of merit to the substantive charges giving rise to the original grievance in the case. The Board, in its opinion reversing dismissal noted that in one case no mitigating or exculpatory evidence was submitted relating to the failure to answer the Request for Investigation; regarding the second review case, the Board acknowledged certain mitigating evidence as well as the Panel finding that Respondent had answered the Formal Complaint, the substantive charges in which had been dismissed. The Board Opinion noted that in a period of about one year, Respondent had been served with five Requests for Investigation, none of which were timely answered and stated that "such a pattern of misconduct militates toward heavier discipline...". However, the Board discussed several factors in mitigation, including personal difficulties. The Opinion reiterated that failure to answer the Grievance Administrator's Request for Investigation is misconduct per se and "...should never be ignored by a Hearing Panel or excused as...unworthy of drawing discipline...failing to answer Requests for Investigation may be considered professionally irresponsible and contemptuous...this Board has recognized that failure to answer also indicates a conscious disregard for the rules of the [Supreme] Court."

David Baker Lewis
 DAVID BAKER LEWIS, Secretary
 ATTORNEY DISCIPLINE BOARD

October 6, 1981

20-44