

STATE OF MICHIGAN

# Attorney Discipline Board

GRIEVANCE ADMINISTRATOR,  
Attorney Grievance Commission,

Petitioner,

v

Case No. 24-72-MZ (Ref. 20-54-GA)

RAYMOND GUZALL, III, P 60980,

Respondent.

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## ORDER DENYING RESPONDENT'S EMERGENCY MOTIONS TO THE BOARD

Issued by the Attorney Discipline Board  
333 W. Fort St., Ste. 1700, Detroit, MI

On December 28, 2022, Tri-County Hearing Panel #62 issued an order suspending respondent's license to practice law in Michigan for 179 days, with conditions. Respondent appealed, and on September 29, 2023, after conducting review proceedings in accordance with MCR 9.118, the Board entered an order affirming the findings of misconduct, reducing the discipline imposed to a 90-day suspension, and modifying the conditions.

On July 19, 2024, the Grievance Administrator filed a motion seeking to modify respondent's order of discipline, specifically to increase respondent's suspension from 90 days to one year, due to his alleged failure to comply with the conditions imposed by the Board. On

October 16, 2024, this matter was assigned to a master pursuant to MCR 9.118(C)(2) for further proceedings and findings, specifically limited to respondent's compliance or lack thereof with the conditions imposed by the Board in its September 29, 2023 order. Hearings before the Master were conducted on April 28 and 29, 2025.

On April 29, 2025, respondent filed an "Emergency Motion to Obtain Evidence Withheld by the Commission" seeking production of any recording of a phone conversation between himself and Yulanda Burgess, an Investigative Specialist at the Attorney Grievance Commission, as well as Ms. Burgess' notes regarding the conversation. That same day, respondent also filed an "Emergency Motion to Enforce the Commission's Promise," requesting that the Board force the Grievance Administrator to withdraw the motion for modification of the Board's September 29, 2023 order, based upon an email from counsel for the Administrator that outlined a possible resolution prior to the scheduled hearings. On May 16, 2025, respondent filed a similar motion titled "Emergency Motion to the Board to Enforce Settlement Agreement and Deny as Moot Petitioner's July 19, 2024 Motion."

On August 15, 2025, an order dismissing respondent's Emergency Motion to Enforce the Commission's Promise was issued by the Master, for the reason that the requested relief was beyond the purview of the Master's appointment. The Master also issued an order denying respondent's Emergency Motion to Obtain Evidence Withheld by the Commission. On August 29, 2025, respondent filed two new "emergency" motions that are the subject of the instant order.

With regard to respondent's first motion titled "Respondent's Emergency Motion to Correct and Provide Relief as to the Board's Staff and/or Anne Widlak Not Following Proper Procedure, Taking and/or Considering Respondent's April 29, 2025 Emergency Motion to Obtain Evidence Withheld by the Commission Which Requested Relief from the Board, and Withholding That Motion from the Board," respondent asserts that "proper procedure" required the Board's staff and/or the Master to provide the Board with his prior motion because he requested relief from the Board, not the Master. Although this is a somewhat unusual case procedurally, a process still exists for filing motions or seeking review by the Board. Our procedures are not dictated by respondent or to whom he directs his requests for relief, but rather our procedures are provided for by the court rules and the Board's internal operating procedures (IOPs). Here,

there is no court rule or IOP that allows respondent to bypass the Master and file motions directly with the Board.

Respondent asserts that the Master did not have the authority to consider his motion because respondent had previously made the motion orally at the hearing and it was denied orally by the Master on April 28, 2025. However, a tribunal speaks through its written orders, and no written order was ever issued regarding the motion. See *In re Lauren M. Underwood*, 11-12-RP (ADB 2011) (recognizing the long accepted principle that “a tribunal speaks through its written orders and judgments, not through its oral pronouncements.”) (citing *In re Contempt of Henry*, 282 Mich App 656, 678 (2009) and *Hall v Fortino*, 158 Mich App 663, 667 (1986)).

Furthermore, respondent's evidentiary motion was properly decided by the Master. The Master was appointed for the very specific and narrow purpose of marshaling evidence and developing a record regarding "whether respondent complied with the conditions placed upon him by the Board in its September 29, 2023 Order Affirming Findings of Misconduct, Reducing Discipline From a 179-Day Suspension to a 90-Day Suspension, and Modifying Conditions." As such, under this Board's order, the Master had the authority to rule on evidentiary issues.

Furthermore, the evidence sought by respondent is privileged, not discoverable, and protected as work product. Michigan's work product rule, MCR 2.302(B)(3), provides:

[A] party may obtain discovery of documents and tangible things otherwise discoverable under [MCR 2.302](B)(1) and prepared in anticipation of litigation or for trial by or for another party or another party's representative . . . only on a showing that the party seeking discovery has substantial need of the materials in the preparation of the case and is unable without undue hardship to obtain the substantial equivalent of the materials by other means. In ordering discovery of such materials when the required showing has been made, the court shall protect against disclosure of the mental impressions, conclusions, opinions, or legal theories of an

attorney or other representative of a party concerning the litigation.

The rule guarding attorney work product from civil discovery applies equally to a prosecutor's work product. *People v Holtzman*, 234 Mich App 166; 593 NW2d 617 (1999).

Here, Ms. Burgess' notes were prepared pursuant to her duty to monitor respondent's compliance with the conditions imposed by the Board and report his progress to assigned counsel at the Attorney Grievance Commission. In the event respondent failed to comply with the conditions, assigned counsel would need to review Ms. Burgess' prepared notes to determine if enforcement of the Board's order was appropriate. Any notes regarding telephone calls that occurred during Ms. Burgess' monitoring of respondent's compliance with the Board's order is therefore work product prepared in anticipation of future litigation and is not discoverable by respondent. See *United States v Nobles*, 422 US 225 (1975) (holding that the work product doctrine protects material prepared by agents for the attorney as well as those prepared by the attorney themselves). As such, the documents prepared by Ms. Burgess, an investigator assisting the assigned Attorney Grievance Commission attorney, are protected as work product.

With regard to respondent's second motion titled "Respondent's Emergency Motion to Correct and to Seek Relief as to the Board's Staff and/or Anne Widlak Not Following Proper Procedure, Taking and/or Considering Respondent's April 29, 2025 Emergency Motion to Enforce the Commission's Promise Requesting Relief from the Board, and Withholding That Motion from the Board," respondent asserts that the Master had no authority to consider respondent's April 29, 2025 motion because he requested relief from the Board, not the Master.

Respondent's motion is without merit. Again, there is no court rule or Board IOP that allows respondent to bypass the Master and seek relief directly from the Board. Furthermore, and contrary to respondent's assertion, no enforceable "settlement agreement" existed between respondent and the Attorney Grievance Commission, and the emails he submitted to prove otherwise are inadmissible under Michigan Rule of Evidence 408 as they constitute evidence of compromise negotiations.

Respondent also contends that he was deprived of his right to be heard by the Board because the Master ruled on his motion. We disagree. Respondent's motion effectively sought dismissal of the Administrator's pending motion for modification of discipline, an issue that remains before the Board for determination. The Master acted appropriately in dismissing the motion after recognizing that respondent was requesting relief outside the scope of her assignment, particularly where the matter is already pending before the Board.

The Board has considered respondent's emergency motions discussed above, as well as the Grievance Administrator's responses and respondent's replies, and being otherwise fully advised,

**NOW THEREFORE,**

**IT IS ORDERED** that Respondent's Emergency Motion to Correct and to Provide Relief as to the Board's Staff and/or Anne Widlak Not Following Proper Procedure, Taking and/or Considering Respondent's April 29, 2025 Emergency Motion to Obtain Evidence Withheld by the Commission Which Requested Relief from the Board, and Withholding That Motion from the Board is **DENIED** for the reasons stated above.

**IT IS FURTHER ORDERED** that Respondent's Emergency Motion to Correct and to Seek Relief as to the Board's Staff and/or Anne Widlak Not Following Proper Procedure, Taking and/or Considering Respondent's April 29, 2025 Emergency Motion to Enforce the Commission's Promise Requesting Relief from the Board, and Withholding That Motion from the Board is **DENIED** for the reasons stated above.

**IT IS FURTHER ORDERED** that, in light of the Master's Report and respondent's objections to that report, respondent and the Grievance Administrator shall appear before the Attorney Discipline Board for a hearing on (1) Petitioner's Motion for Modification of the Order of Discipline, and (2) Respondent's Emergency Counter-Motion for Entry of an Order Finding Petitioner and/or LJAP Have Engaged in Conduct Warranting Vacating or Modifying the Remaining Conditions or Granting Other Relief. A separate notice of hearing will be issued scheduling oral argument before the Board in the near future.

**ATTORNEY DISCIPLINE BOARD**

By: /s/ Peter A. Smit, Vice-Chairperson

Dated: November 12, 2025

Board members Peter A. Smit, Rev. Dr. Louis J. Prues, Jason M. Turkish, Andreas Sidiropoulos, MD, Katie M. Stanley, Tish Vincent, and Kamilia Landrum concur in this decision.

Board members Alan Gershel and Linda M. Orlans were recused and did not participate in this decision.