

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.

**ORDER DENYING RESPONDENT'S MOTION FOR ASSIGNMENT TO HEARING PANEL
AND ORDER OF REFERRAL TO MASTER FOR ADDITIONAL PROCEEDINGS**

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

On December 28, 2022, Tri-County Hearing Panel #62 of the Attorney Discipline Board issued an order suspending respondent's license to practice law in Michigan for a period of 179 days and requiring respondent to meet with a mental health counselor on a weekly basis during his term of suspension. Respondent filed a petition for review, and after proceedings conducted in accordance with MCR 9.118(A), on September 29, 2023, the Board entered an order affirming the findings of misconduct and reducing the discipline imposed by the hearing panel from a 179-day suspension to a 90-day suspension. The Board also modified the conditions requiring respondent to meet with a licensed mental health therapist by increasing the duration of counseling to a period of a minimum of one year from the effective date of the order of discipline. Specifically, the conditions provide:

1. Respondent shall meet on an individual basis with a licensed mental health therapist as referred by the State Bar of Michigan's Lawyers and Judges Assistance Program (LJAP) for a minimum of one year. Respondent shall, within 30 days of the effective date of this order, provide: (a) written verification to the Grievance Administrator and the Attorney Discipline Board that he has secured the services of a therapist; (b) the name, address, and telephone number of the therapist; and (c) a waiver allowing the Attorney Grievance Commission and LJAP to communicate with the therapist concerning his evaluation, any clinical recommendations made, and/or treatment. The purpose of this condition is to address documented problems with anger management and promote/improve general mental health wellness, as well address respondent's refusal to take any responsibility for his actions, blaming of others for the consequences of his own conduct as evidenced by the record in this proceeding, and ability to accept responsibility for his conduct.

2. Respondent's counseling shall be monitored by LJAP, to allow a clinical team to stay in communication with the therapist regarding frequency, progress, and prognosis. The LJAP clinical team will review all therapy reports to ensure appropriate standards of care and scope of practice. If additional clinical needs arise during the course of treatment, this will be addressed in collaboration with the therapist and LJAP. The therapist shall provide quarterly reports regarding respondent's continued treatment and satisfactory progress to the Attorney Grievance Commission and the LJAP clinical team. The first report shall be due within 60 days of the effective date of this order and shall include a diagnosis, prognosis, and recommendation(s). All subsequent reports shall indicate whether positive progress is being made. Respondent shall comply with all recommendations made by the therapist and/or LJAP regarding frequency, progress, and prognosis. [9/29/24 Board Order.]

To further emphasize the importance of these conditions, we further held that the Grievance Administrator could seek modification of the order of discipline to increase the suspension of respondent's license to one year if respondent failed to comply with the conditions. Respondent's suspension was effective April 20, 2024.

On July 19, 2024, the Grievance Administrator filed a motion for modification of the order of discipline for respondent's failure to comply with the above conditions as set forth in the Board's September 29, 2023 order. Respondent filed a response and counter-motion on August 14, 2024, arguing that the condition imposed by this Board should be vacated, because it is the Grievance Administrator and LJAP that are preventing him from complying with the conditions. In addition, respondent filed a motion seeking the immediate assignment of this matter to a hearing panel and the scheduling of a hearing.

The Attorney Discipline Board is not a fact-finding tribunal. See *Grievance Administrator v Michael A. Conway*, 97-156-GA (ADB 1998). However, MCR 9.118(C)(2) provides:

If the board believes that additional testimony should be taken, it may refer the case to a hearing panel or a master. The panel or master shall then take the additional testimony and shall make a supplemental report, including a transcript of the additional testimony, pleadings, exhibits, and briefs with the board. Notice of the filing of the supplemental report and a copy of the report must be served as an original report and order of a hearing panel.

See also MCR 9.110(E)(3) ("The board has the power and duty to: . . . (3) assign a proceeding under this subchapter to a hearing panel or to a master, except that a proceeding for reinstatement under MCR 9.124 may not be assigned to a master . . ."). Although respondent argues that this matter should be assigned to a hearing panel, it was the Board's opinion and order, not a hearing panel decision, that imposed the condition respondent now seeks to vacate. As such, the Grievance Administrator's motion for modification of the order of discipline and respondent's counter-motion are properly before the Board.

After consideration of the Grievance Administrator's motion for modification of the order of discipline, respondent's response, and respondent's counter-motion, the Board has concluded that a fuller record should be developed before this Board decides these motions. As such, we refer this matter to a master 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. The master shall be provided with the record and shall have the discretion to proceed with or without the assistance of the parties in marshaling the evidence. If the master deems it appropriate, he or she may require additional briefing or hearings and receive additional evidence or conduct such other proceedings he or she deems advisable.

NOW THEREFORE,

IT IS ORDERED that, pursuant to MCR 9.118(C)(2), this matter is **REFERRED** to a master for proceedings consistent with this order. A master shall be assigned by the Board as soon as practicable.

IT IS FURTHER ORDERED that respondent's emergency motion for assignment to a hearing panel and scheduling of a hearing is **DENIED**.

Dated: October 16, 2024