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### Felon back in court — as an attorney

Caught up in a bank-fraud scheme as a college athlete, young man from Seattle faced years of struggles and setbacks, but never gave up on his goal.

By Christine Clarridge

Seattle Times staff reporter



Cleodis Floyd is not the first high-school athlete to leave Seattle with a full college scholarship and a promising future. Nor, sadly, is he the first to wind up in front of a judge, facing a criminal sentence.

But he may be the first to have fought, studied and toiled almost a decade for a chance to return to the courtroom, this time as a practicing attorney.

During Floyd's journey from felon to the bar, he faced a four-year sentence, took and retook the law-school entrance exam, applied three years in a row to each and every law school in the U.S., gave up his social life and labored through two internships.

His toughest challenge, however, came just two weeks before he was to take the bar exam that would determine whether he could practice law in Washington. That's when the Washington State Bar Association, noting Floyd had a criminal past that included an organized-crime charge and three felony theft convictions, said he could not even take the exam.

The Bar Association said he would first have to go before its ethics and morality committee to argue why he was fit to practice law. Unfortunately for Floyd, there was no way he could schedule that hearing in time to take the exam.

After nine years of overcoming one obstacle after another and arriving within arm's reach of his goal, Floyd put his head down that day and cried.

“I couldn’t believe I’d made it all that way to be blocked at the very end,” said the 28-year-old. “For a moment, I felt like I was going to give up. To get so far and to be so close ... it was devastating.”

For Floyd, there was only one choice.

“A lot of people would have quit and gave up, but he kept going and he’s still going,” said his father, Veodis Floyd, of Seattle. “What does the judge say when you first get in trouble? He says, ‘Turn your life around and don’t get in trouble no more.’ This kid did that, and I’m so proud of him.”

### **Promising young man**

Floyd is the middle child of working-class parents who have each held their jobs, at U.S. Gypsum and UPS, for more than 35 years. He was an honor student with a 3.8 GPA and a standout defensive lineman at Franklin High School in South Seattle.

In 2001, The Seattle Times named Floyd an all-area defense star, and he made first-team center for All-KingCo 4A.

After a stint in junior college in California, he was recruited to play Division 1 football at Colorado State University in Fort Collins. He wanted to play pro football, but knew he needed another career goal. He set his sights on the law.

He’d never been in legal trouble himself, but the big man had a soft spot for the little guy. Without courts and quality attorneys, he reasoned, “the underdog keeps getting mistreated over and over and over.”

Floyd’s scholarship covered school costs and gave him an in-season food stipend. He shared a house with several other players to keep expenses down, but money was always tight.

One day he got a call from an old high-school teammate who had just been kicked out of college. The friend wanted a place to stay, and Floyd couldn’t refuse him.

Floyd declined to name his friend, but court documents and published newspaper accounts identify him as Michael Justice of Seattle.

Justice arrived with a wad of cash and a plan for how they could get more.

It went like this: Participants would get a few friends who were willing to turn over their bank cards and PIN numbers. Each day, someone from the group would deposit forged or fraudulent checks, ranging from \$2,000 to \$5,000, into the accounts at various ATMs.

They would then withdraw cash from the accounts as quickly as possible before the bank caught on to the scam.

It would typically take the bank five days to a week to figure out what was going on and confront the card holder, who would then simply claim that the card had been lost or stolen. That claim would be backed up by video footage from the ATMs showing unknown people — not the card holder — making the deposits and withdrawals.

A single card could yield as much as \$20,000, Floyd said.

### **Season of living high**

Floyd was actively involved in the scheme from September 2005 until January 2006. He and his roommates lived high. He bought a car and socked away \$20,000 or so, but things quickly got out of hand.

“It was a snowball that turned into an avalanche,” he said. “I’d go to a party and people would come up to me and say, ‘I want in.’ Too many people were involved; too many people knew.”

And bank investigators started putting the pieces together.

“You can’t have every football player in a small town lose their bank card and not have someone figure it out.”

Floyd was arrested on theft charges in connection with the racket, but the charges were initially dropped.

Then he started to hear rumors about friends and acquaintances being called before a grand jury. Just as Floyd was graduating with a degree in liberal arts, a GPA of 3.0 and two law-school acceptance letters, he was himself called before the grand jury.

He wasn’t immediately charged, however, and he moved back to Seattle. He swore off crime and took a job in the clerk’s office at the King County Courthouse.

A few months later, though, he got a call in the middle of the night from a friend’s girlfriend.

“She said, ‘You’re on the front page of the Rocky Mountain paper,’ ” he recalled.

Turns out, he had been indicted on 65 felony charges, including felony theft, identity theft, fraud, forgery and multiple violations of Colorado’s Organized Crime Control Act.

“I thought organized crime was like John Gotti, ” he said.

In all, 11 people were charged, including seven former members of the Colorado State football team, according to the Rocky Mountain News. A roommate of Floyd’s was charged with 63 felonies, and Justice was charged with 32.

Most of the defendants pleaded guilty to one count of forgery and theft, netting probation and deferred sentences, the paper reported. In exchange, they agreed to testify against Floyd, his roommate and Justice, who were branded as the leaders of the “crime ring.”

Floyd pleaded guilty to three counts of felony theft and one count of attempted theft. As a first-time offender, he was given a four-year sentence to be served at a work-release center, as well as five years of probation.

After eight months, the sentence was revisited. He was released from the halfway house, but two additional years were added to his probation. In addition, he is paying restitution of \$125,000 — the entire amount netted by the group.

Over the next three years, Floyd applied to “every single law school” he could find and was repeatedly turned down because of his convictions. In the meantime, he worked at the Boys & Girls Club of Bellevue and tutored athletes.

In 2009, he was accepted at the University of Oregon School of Law.

### **A long road back**

For the next three years, Floyd worked. In addition to his regular classes, he served as director of the Black Law Students Association and the Minority Student Association. He volunteered in the community and brought at-risk youths to campus for lunch. He continued to tutor.

He drove back to Seattle every weekend to spend time with his longtime partner and their daughter.

While in school, he won nearly a dozen scholarships. He did two internships — a highly coveted one at Nike headquarters in Beaverton, Ore., and another at a high-profile civil litigation firm in Seattle.

Leaders at the firm liked him so much that they offered him a position starting at \$83,000 a year and helped him prepare for the bar exam by paying his application fee, funding a prep course and giving him a stipend to live on while he studied.

But two weeks before the July 2012 bar exam, Floyd was contacted by the Washington State Bar Association (WSBA), which said because of his criminal history, he had to submit to a character-and-fitness review before taking the bar.

The WSBA would not comment on how often that occurs, saying information about all applicants to the bar is confidential.

Floyd's friend and mentor, Seattle attorney Felix Gavi Luna, wrote a letter to the bar recounting how hard Floyd had worked since his conviction, how he had changed and how he would be harmed were he to be banned from sitting for the bar. An agreement was struck.

Floyd could take the exam, but the results would be withheld until his moral character had been assessed by the bar association's Character and Fitness Board.

Floyd took that exam and then settled in to prepare for the bar association review.

Several of his University of Oregon law professors spoke on his behalf at the hearing, which was held at the WSBA's headquarters in Seattle.

Fred Winocur, the attorney who represented Floyd in his criminal case, was there as well.

"The notion of rehabilitation embedded in our criminal-justice system is not just an idea buried in a dusty law book," Winocur said last month. "He paid his debt to society, was able to move forward and has been giving back since this happened. He is really a remarkable human being, and his story is incredibly inspiring."

Floyd said he was "honest and candid" with the board when explaining what happened, what he'd learned and what he'd done since then.

In a unanimous vote, the Character and Fitness Board found that Floyd possessed the necessary moral integrity and ethical character required to practice law.

The board's recommendation that Floyd be admitted to the bar was forwarded to the state Supreme Court, which approved it last spring.

On April 4, 2013, Floyd learned he had passed the bar.

The job offer from the litigation firm, however, had been revoked.

Partners with the law firm declined to comment for this story, but Floyd said they told him they wished him the best but could not employ him. "They said a lot of their big clients are banks, and they just couldn't do it. It didn't look right," he said.

He decided to hang out his own shingle, start practicing general law and take whatever cases came his way.

He just signed a lease for an office in South Seattle, and he already has 20 clients, he said. Among his cases are several DUI arrests, 12 traffic accidents and a wrongful-death suit filed on behalf of the family of his best friend, who was shot at a nightclub by an underage patron, he said.

Although Floyd said he's still trying to catch his breath from the whirlwind of the past decade, he no longer regrets what he's been through.

It's turned out to be an asset, he said.

"People know my story and they trust me," he said. "I'm able to look my clients in the eyes and tell them I genuinely understand where they're at, and I'm able to tell them that their futures don't have to be defined by their past."

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