

NOTICE OF SUSPENSION AND RESTITUTION  
(By Consent)

Case No. 97-307-GA

Henry J. Fox, P-13609, Bloomfield Hills, Michigan, by  
Attorney Discipline Board Tri-County Hearing Panel #66.

- 1) Suspension - One (1) Year;
- 2) Effective September 16, 1998.

In 1964, probate proceedings were instituted in a decedent's estate in Wayne County Probate Court. The complainant was appointed personal representative, and respondent was appointed successor Special Fiduciary. In the early 1970s, two heirs in the estate died. In 1977, the complainant retained respondent to probate the estates of both deceased heirs, he instituted two separate probate proceedings in Wayne County Probate Court, and the complainant was appointed personal representative of both estates. Respondent pled no contest to allegations that he neglected the matters by failing to keep the complainant informed so she could file timely accountings; counseling the complainant to sign two Receipts for Residue, filed in the original estate, alleging receipt of distribution shares for the estates of both deceased heirs, when no distributions had occurred; and counseling the complainant to sign two bonds with a surety company, each for \$9,000, when in fact the each estate had not received \$9,000.

In an unrelated matter, in 1990, a client of respondent's died. Pursuant to the Last Will and Testament respondent drafted for the decedent, he was the nominated personal representative. He filed a Petition for Commencement of Probate Proceedings in Wayne County Probate Court and was appointed temporary personal representative. Respondent pled no contest to allegations that he neglected the matter by failing to file a timely Inventory; failing to file timely accountings; failing to file accurate estate accountings; and failing to take reasonable and necessary steps to close the estate which remained open as of December 1997.

The parties stipulated that respondent's conduct violated MCR 9.104(1)-(4); Canons One, Six and Seven of the then-applicable Code of Professional Responsibility, DR 1-102(A)(1), (5) and (6); DR 6-101(A)(1)-(3); and DR 7-101(A)(1)-(3); and Michigan Rules of Professional Conduct 1.1(a)-(c); 1.2(a); 1.3; 3.2; and 8.4(a) and (c).

The parties further stipulated that respondent be suspended from the practice of law for one year, and make restitution to

the first complainant for the monies she owes the surety company in two separate district court matters filed against her by the surety company. Costs were assessed in the amount of \$733.47.