

NOTICE OF SUSPENSION AND RESTITUTION

Case Nos. 96-32-GA; 96-55-FA

Henry C. Ritchie, P-19471, Ypsilanti, Michigan, by Attorney Discipline Board Washtenaw County Hearing Panel #2.

- 1) Suspension - Two (2) Years and Eleven (11) Months;
- 2) Effective May 9, 1996.*

Respondent was retained to act as escrow agent of proceeds of the sale of his client's real property and purchase of other property. He was entrusted with two cashiers checks totalling \$16,678.08 to be held in escrow on his client's behalf, which were deposited into respondent's client trust account. After the issuance of two checks related to the transaction, the amount held in trust should have equalled \$13,625. One year later, the client closed on the purchase of business property. Pursuant to the terms of the closing statement, respondent was to pay \$625 in title insurance, \$143 in transfer taxes and \$2,911.39 in outstanding property taxes out of the escrowed funds. The panel found, by default, that respondent commingled and misappropriated approximately \$13,582.99 in client funds; failed to render an accounting of the funds; failed to pay the title insurance, transfer taxes and outstanding property taxes; and failed to answer the Formal Complaints. Respondent's conduct was found to be in violation of MCR 9.104(1)-(4) and (7); and the Michigan Rules of Professional Conduct, 1.15(a)-(c); 8.1(b); and 8.4(a)-(c).

At the hearing held on May 9, 1996, the panel concluded that due to respondent's claims concerning his medical condition, good cause was shown for him to be placed on immediate, interim suspension. An Interim Order of Suspension, effective May 9, 1996, was entered on May 23, 1996. The interim order also directed respondent to make restitution to one complainant in the amount of \$3,723.58. An aggravation/mitigation hearing was held on February 7, 1997. Following that hearing, the panel ordered that respondent be suspended from the practice of law in Michigan for a period of two years and eleven months effective May 9, 1996, and make additional restitution in the amount of \$2,111.01. Costs were assessed in the amount of \$709.42.

*See Notice of Interim Suspension and Restitution dated July 17, 1996.