

NOTICE OF REVOCATION AND RESTITUTION

Case No. 92-118-GA

Cecelia Henderson, P34121, Beverly Hills, California (formerly of Detroit, Michigan), by the Attorney Discipline Board increasing a hearing panel suspension of twelve months.

- 1) Revocation;
- 2) Effective September 17, 1992.

Respondent was retained in a pending leasehold improvement action, and charged a flat fee of \$5500 for her representation. The hearing panel found that respondent settled the case for \$100,000 without her client's consent; caused the lawsuit to be dismissed without her client's knowledge or consent; advised the defendant to forward to her a check for \$30,000 for the attorney fee, knowing that her client had already paid her a flat fee in full; failed to respond to her client's inquiries or those of her subsequent attorney concerning the settlement; affixed her client's signature to the settlement and mutual release without her client's knowledge or consent; failed to deposit the \$30,000 in a trust account; failed to promptly deliver the \$30,000 to her client although the client was entitled to these funds; failed to hold the \$30,000 in trust pending the resolution of any perceived dispute; and, misappropriated the \$30,000.

Respondent's conduct was found to be in violation of MCR 9.104 (1-4) and the Michigan Rules of Professional Conduct, 1.1(c); 1.2; 1.4; 1.15; 3.3; 1.4; 8.4(a-c). By majority, Tri-County Hearing Panel #27 ordered that respondent's license be suspended for a period of twelve months, and she make restitution to her client in the amount of \$32,764.43. A dissenting panelist voted to revoke respondent's license.

The Grievance Administrator filed a petition for review seeking an increase in the discipline imposed. On March 3, 1993, the Attorney Discipline Board entered an order increasing discipline to revocation of respondent's license. Respondent filed a motion for reconsideration, which was denied by the Board on May 5, 1993. Respondent's further motions for relief were denied on June 4, 1993. Costs were assessed in the total amount of \$313.25.

NOTE: Respondent's license to practice law in Michigan has been continuously suspended since August 1, 1992.