

SUPREME COURT OF OHIO

Disciplinary Counsel v. Henderson

108 Ohio St. 3d 447 (Ohio 2006) · Decided April 5, 2006

SUMMARY

The Supreme Court of Ohio held that Pippa Lynn Henderson committed multiple acts of professional misconduct, including practicing law while suspended, misrepresenting the status of a client's case, failing to safeguard or refund client funds, neglecting a matter, and failing to cooperate with a disciplinary investigation. In light of her prior disciplinary history and numerous aggravating factors, the court permanently disbarred her and assessed costs.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Per Curiam; Moyer, C.J.; Resnick, J.; Pfeifer, J.; Lundberg Stratton, J.; O'Connor, J.; O'Donnell, J.; Lanzinger, J.
JURISDICTION	Ohio
DECIDED	April 5, 2006
DISPOSITION	other
PROCEDURAL POSTURE	Original attorney-discipline proceeding in which Disciplinary Counsel charged respondent with two counts of professional misconduct. After service through the Clerk of the Supreme Court under Gov.Bar R. V(11)(B), respondent failed to answer, and the master commissioner and disciplinary board granted relator's motion for default and recommended permanent disbarment.
STANDARD OF REVIEW	The Supreme Court independently reviewed the disciplinary board's report and determined whether the charged misconduct was established and whether the recommended sanction was appropriate.
PRECEDENTIAL VALUE	published and precedential Ohio Supreme Court opinion
PARTIES	Disciplinary Counsel v. Pippa Lynn Henderson

TOPICS

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PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether respondent committed the charged violations of the Disciplinary Rules and Ohio disciplinary rules by undertaking representation while suspended, misrepresenting the status of the matter, failing to perform the promised legal services, failing to refund client funds, and failing to cooperate with the disciplinary investigation.
2. Whether permanent disbarment was the appropriate sanction in light of respondent's misconduct and aggravating factors.

HOLDINGS

1. Respondent violated all provisions found by the disciplinary board, including rules prohibiting fraud, deceit, dishonesty, conduct prejudicial to the administration of justice, conduct adversely reflecting on fitness to practice law, failure to safeguard or promptly pay client funds, failure to perform duties upon suspension, and failure to cooperate with a disciplinary investigation.
2. Permanent disbarment was the appropriate sanction for respondent's misconduct.

KEY QUOTATIONS

"Absent any mitigating circumstances, the normal penalty for ignoring previous orders of the court and continuing to practice law while under suspension is disbarment." (449)

FACTUAL BACKGROUND

Respondent agreed to represent Donna Burton in seeking additional compensation related to Burton's divorce, accepted \$1,100, and represented that filings had been made or mishandled under an incorrect case number, although she never filed pleadings or performed legal work. Respondent was suspended from the practice of law when she undertook the representation and did not refund Burton's money. She also failed to respond to the disciplinary grievance and failed to appear for a subpoenaed deposition.

PROCEDURAL HISTORY

Disciplinary Counsel filed a complaint on April 18, 2005. Respondent did not answer or otherwise participate after service through the Clerk of the Supreme Court, so the matter proceeded by default. The master commissioner found misconduct and recommended permanent disbarment; the Board of Commissioners on Grievances and Discipline adopted that recommendation, and the Supreme Court of Ohio agreed.

DISPOSITION

other

CASES CITED

- Disciplinary Counsel v. Henderson, 78 Ohio St. 3d 1501, 679 N.E.2d 2 (1997)

- Disciplinary Counsel v. Henderson, 80 Ohio St. 3d 1461, 687 N.E.2d 292 (1997)
- Disciplinary Counsel v. Henderson, 87 Ohio St. 3d 219, 718 N.E.2d 1277 (1999)
- Disciplinary Counsel v. Chavers, 80 Ohio St. 3d 441, 443, 687 N.E.2d 415 (1997)
- Disciplinary Counsel v. Jefferson, 83 Ohio St. 3d 317, 699 N.E.2d 930 (1998)
- Disciplinary Counsel v. Caywood, 74 Ohio St. 3d 596, 660 N.E.2d 1148 (1996)

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