



SUPREME COURT OF GEORGIA  
Case No. S02Y1525

Atlanta

SEP 13 2002

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

IN THE MATTER OF DANIEL L. HENDERSON.

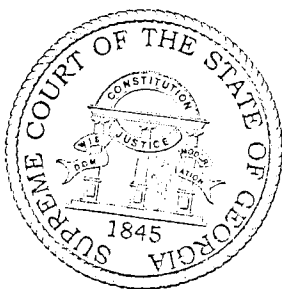
This disciplinary matter is before the Court on Respondent Daniel L. Henderson's Petition for Voluntary Discipline, filed pursuant to Bar Rule 4-227 (c), following the issuance of a Formal Complaint in which the State Bar alleged that Henderson violated Standard 44 (lawyer shall not wilfully abandon or disregard a legal matter entrusted to him) of Bar Rule 4-102 (d). In the petition, Henderson admits violating Standard 44, and requests that he receive a Formal Letter of Admonition. The State Bar and the special master recommend that the Court accept Henderson's petition.

Henderson admits he was appointed by the superior court to represent a client in the appeal of a criminal matter. After an initial meeting with the client, the client made numerous attempts to contact Henderson, yet received no response. Although Henderson eventually contacted the client and adequately handled the client's post conviction proceedings, he admits that he did not respond promptly to all the client's inquiries and agrees that his failure to communicate adequately with his client caused the client worry and concern about the status of the case and constituted a violation of Standard 44, which is punishable by disbarment. In mitigation of the discipline to be imposed, however, we note that Henderson has fully cooperated with these disciplinary proceedings and has shown remorse for his failure to communicate adequately with his client. Further, it appears that during the time he was representing this client, Henderson was struggling to cope with a rare physical ailment that severely limited his ability to practice law, that he was seeking and receiving medical care and treatment for this ailment, and that the conduct complained of did not occur due to a dishonest or selfish motive.

We have reviewed the record and agree with the State Bar and the special master that the mitigating circumstances justify a reduction in the degree of discipline to be imposed and that a Formal Letter of Admonition is the appropriate sanction under the circumstances. See In the Matter of Lester, Case No. S01Y0261 (November 30, 2000) (Investigative Panel Reprimand for violation of Standard 69); In the Matter of Sacandy, Case No. S99Y0376 (February 19, 1999) (Letter of Admonition for violation of Standard 23); In the Matter of Shelfer, Case No. S99Y0215 (November 20, 1998) (Letter of Admonition for violation of Standard 69); In the Matter of Goodman, Case No. S98Y1464 (September 11, 1998) (Letter of Admonition for violation of Standards 5 and 9).


Accordingly, it hereby is ordered that for his violation of Standard 44 of Bar Rule 4-102 (d), Respondent Daniel L. Henderson receive a Letter of Formal Admonition. Bar Rule 4-207.

SUPREME COURT OF THE STATE OF GEORGIA  
Clerk's Office, Atlanta



I hereby certify that the above is a true extract from the minutes of the Supreme Court of Georgia.

Witness my signature and the seal of said court hereto affixed the day and year last above written.

 , Chief Deputy Clerk