



SUPREME COURT OF GEORGIA  
Case No. S01Y0408

Atlanta

FEB 16 2001

The Honorable Supreme Court met pursuant to adjournment.

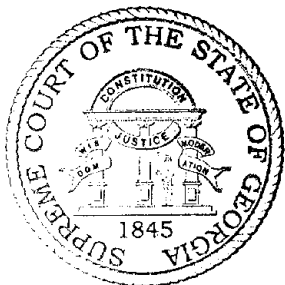
The following order was passed:

IN THE MATTER OF WENDELL S. HENRY.

This disciplinary matter is before the Court on the State Bar's Notice of Discipline for Public Reprimand filed pursuant to Bar Rule 4-208.1 against Respondent Wendell S. Henry. The Notice of Discipline alleges that Henry violated Standard 22 (b) (lawyer shall not withdraw from employment until he has taken reasonable steps to avoid foreseeable prejudice to the rights of his client, including giving due notice to his client, allowing time for employment of other counsel, delivering to the client all papers and property to which the client is entitled and complying with applicable laws and rules) of Bar Rule 4-102 (d). A violation of Standard 22 may be punished by a public reprimand, which is the sanction sought in this matter. Although Henry was personally served with the Notice of Discipline on December 4, 2000, he did not file a Notice of Rejection until January 5, 2001, two days outside the 30-day time period for filing such notices, see Bar Rule 4-208.3 (a). As a result, the State Bar has filed a Motion for Default and Motion to Strike Respondent's Notice of Rejection of Discipline, in which it also alleges that Henry did not file with the Clerk of the Supreme Court at the time of filing the notice of rejection a copy of any written response to the grievance that is the basis for the notice of rejection, which makes his notice fatally defective and not "considered valid." Bar Rule 4-208.3 (b). Since Henry failed to reject the Notice of Discipline as provided in Bar Rule 4-208.3, he is in default, has no right to an evidentiary hearing, and is subject to the discipline of this Court. Bar Rule 4-208.1 (b).

As deemed admitted by Henry's default, a client hired Henry to represent her in a wrongful death action concerning her daughter, who was killed in an automobile accident. The client subsequently discharged Henry and requested her client file, including photographs of her daughter and other mementos. In response to the Investigative Panel's Notice of Investigation, Henry stated that the file, with the photos and mementos, was in storage and he would have to retrieve it. Henry did not retrieve the file and surrender it to the client, thus violating Standard 22 (b).

We have reviewed the record and agree that by his conduct Henry violated Standard 22 (b) of Bar Rule 4-102 (d), and that the appropriate sanction is a public reprimand. Accordingly, it is hereby ordered that Wendell S. Henry be administered a public reprimand in open court pursuant to Bar Rules 4-102 (b) (3) and 4-220 (c) by a judge of the superior court where Henry resides or where his disciplinary infractions occurred.



**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.

*Lynn M. Strickcomb*, Chief Deputy Clerk