# IN THE SUPREME COURT OF THE STATE OF DELAWARE

In the Matter of a Member \$ No. 73, 2013
of the Bar of the Supreme Court \$ Board Case No. 2012-0282-B
GEORGE G. STROTT, JR., \$ Respondent.

Submitted: March 12, 2013 Decided: March 25, 2013

Before STEELE, Chief Justice, HOLLAND, BERGER, JACOBS and RIDGELY, Justices, constituting the Court en Banc.

# <u>ORDER</u>

- 1. In this attorney disciplinary proceeding, the Board on Professional Responsibility ("Board") recommends that this Court impose identical and reciprocal discipline previously imposed by the disciplinary authority in Maryland, against the Respondent, George G. Strott, Jr., Esquire. The Office of Disciplinary Counsel ("ODC") does not object to the Board's recommendation, and the Respondent consents to a concurrent imposition of the discipline that the Court of Appeals of Maryland imposed upon him by its August 23, 2012 Order.
- 2. After considering the matter carefully, the Court finds the Board's recommendation of suspension to be appropriate. We adopt the Board Report and Recommendation and impose the identical sanction of suspension retroactively against Mr. Strott. Because that suspension has now expired, we reinstate the

Respondent as a member of the Bar of the Supreme Court of Delaware, effective immediately.

NOW, THEREFORE, IT IS ORDERED that the Board Report (attached) is hereby adopted, that identical and reciprocal retroactive discipline is imposed upon George G. Strott, Jr., and that Mr. Strott is reinstated as a member of the Bar of the Supreme Court of Delaware, effective immediately.

BY THE COURT:

/s/ Jack B. Jacobs
Justice

EFiled: Feb 20 2013 03:58PM Filing ID 49652712
Case Number 73,2013

Susan H. Kirk-Ryan 302 Brockton Road Wilmington, DE 19803

February 20, 2013

### BY HAND

## CONFIDENTIAL

Mr. Steven D. Taylor, Court Administrator Supreme Court of Delaware 820 N. French Street, 11<sup>th</sup> Floor Wilmington, DE 19801

Re: In the Matter of the Bar of the Supreme Court of Delaware:
Board Case No. 2012-0282-B (George G, Strott, Ir., Esquire)

Dear Mr. Taylor:

Enclosed please find the original of our Panel's recommendation in the above-captioned matter. Please contact me if the Court should require anything further.

Respectfully submitted,

Susan H. Kirk-Ryan (I.D.# 1070)

#### Enclosure

cc: Joelle E. Polesky, Esquire (with enclosures)

Dennis L. Schrader, Esquire (with enclosures, via First-class mail)

Ms. Carey C. McDaniel (with enclosures, via First-class mail)

Patricia O. Vella, Esquire (with enclosures, via First-class mail)

# BOARD ON PROFESSIONAL RESPONSIBILITY OF THE SUPREME COURT OF DELAWARE

In the Matter of a Member of the Bar Of the Supreme Court of the State of Delaware

CONFIDENTIAL

Board Case No. 2012-0282-B

GEORGE G. STROTT, JR., Respondent.

## **BOARD REPORT AND RECOMMENDATION OF SANCTION**

Pending before a panel of the Board on Professional Responsibility ("Board") is a matter arising from an Order of the Court of Appeals of Maryland, entered on August 23, 2012, suspending George G. Strott, Jr., ("Respondent") indefinitely from the practice of law (the "August Order"), and a Joint Petition for Indefinite Suspension by Consent, with the Right to Apply for Reinstatement No Sooner than Thirty Days After the Commencement of the Suspension (the "Maryland Joint Petition"), filed by Respondent's Maryland counsel and Bar Counsel of the Attorney Grievance Commission of Maryland ("Maryland Bar Counsel").

The Maryland discipline was the result of allegations by two of the Respondent's former clients. The first case (the "2010 Case") involved retention of the Respondent in 2010 and allegations that the Respondent failed to respond to communications from the client. The second case (the "2007 Case") involved a 2007 settlement negotiation on behalf of a client and disbursement of the settlement proceeds. The Maryland Joint Petition noted three prior reprimands of the Respondent—two in 1994 and a third in 2001. The Maryland Joint Petition also cited the following as mitigating factors: (i) the excellent reputation of the Respondent in his thirty-five years of practice; (ii) Respondent's reputation as being honest, credible and thoughtful; (iii) Respondent's character as a humanitarian; (iv) the fact that Respondent reimbursed the client in the 2007 Case and paid fees out of his personal funds; (v) the absence of any dishonest or selfish motives alleged in either the 2010 Case or the 2007 Case; and (vi) Respondent's cooperation with the Maryland Bar Counsel.

The Maryland suspension took effect sixty days from date of the August Order. The August Order provided that the Respondent shall not apply for reinstatement of his right to practice law earlier than thirty days from the commencement of the suspension.

On November 29, 2012, the Respondent (through Maryland counsel) filed a Petition for Reinstatement in Maryland ("Maryland Petition for Reinstatement"). In the Maryland Petition for Reinstatement, the Respondent set out the steps he had taken to suspend his Maryland practice. The Maryland Bar Counsel, in its Response to Petition for Reinstatement (the "Maryland Response to Petition for Reinstatement"), dated December 10, 2012, did not oppose the reinstatement. The Court of Appeals of Maryland granted the Respondent's Petition for Reinstatement in an Order dated December 14, 2012 (the "Maryland December Order").

Maryland Bar Counsel notified the Delaware Office of Disciplinary Counsel ("ODC") of the August Order of indefinite suspension on October 24, 2012.

On November 1, 2012, Karen L. Valihura, Esq., Chair of the Board on Professional Responsibility in Delaware, issued a Notice and Order (the "Delaware Notice and Order"), directing the Respondent to notify the Board within 30 days of "any claim... predicated on the grounds set forth in paragraph (d) of Rule 18 of the Rules of Disciplinary Procedure that the imposition of the identical discipline in this State would be unwarranted and the reasons therefor."

Dennis L. Schrader, Esq., filed a Response to Notice and Order, dated November 26, 2012 (the "Delaware Response"), on behalf of the Respondent. The Delaware Response noted that Respondent was admitted to the Delaware Bar in 1985 (and to the Maryland Bar in 1975). The Delaware Response also noted that the Respondent had closed both his Maryland and Delaware offices on or before October 22, 2012. In the Delaware Response, the Respondent noted that he "consents to the imposition of the identical discipline in the State of Delaware," and "does not object to the concurrent identical discipline imposed by the Court of Appeals of Maryland by its Order on August 23, 2012."

Joelle E. Polesky, Esq., on behalf of ODC, in a letter dated November 28, 2012 (the "November ODC Letter"), noted that ODC does not oppose the Respondent's consent to the imposition of identical discipline in this reciprocal discipline matter.

On December 14, 2012, Steven D. Taylor assigned a Board Panel composed of Susan H. Kirk-Ryan, Esq. (Chair), D. Benjamin Snyder, Esquire, and Ms. Carey C. McDaniel for the filing of a recommendation to the Delaware Supreme Court pursuant to Delaware Lawyers' Rules of Disciplinary Procedure Rule 18(d). Mr. Taylor forwarded relevant documents for the Panel's consideration, and noted that ODC and counsel for the Respondent did not request a hearing before the Panel.

By a January 4, 2013, letter, Ms. Patricia O. Vella, Esq. was assigned to the panel as a substitute for Lewis H. Lazarus, Esq., who had been assigned to substitute for Mr. Snyder.

The Panel consisting of Ms. Kirk-Ryan, Ms. Carey and Ms. Vella considered the documents submitted, including:

- (1) a letter from Joelle E. Polesky, Esq. to Steven D. Taylor, Administrative Assistant to the Board on Professional Responsibility, dated October 31, 2012, including the August Order and the Maryland Joint Petition as attachments;
- (2) the Delaware Notice and Order;
- (3) a letter from Erin A. Risch, Esq., to Ms. Polesky, Ms. Valihura and Mr. Taylor, dated November 8, 2012, advising that while she represented the Respondent in Maryland, she cannot represent him in Delaware, where she is not admitted to the Bar;
- (4) a letter from Dennis L. Schrader, Esq. to Mr. Taylor, dated November 26, 2012, enclosing his entry of appearance in Delaware on behalf of the Respondent, as well as the Delaware Response;
- (5) the November ODC Letter;
- (6) a letter from Ms. Risch to Ms. Bessie M. Decker, Clerk of the Court of Appeals of Maryland, dated November 29, 2012, enclosing the Maryland Petition for Reinstatement;
- (7) a letter from Mr. Schrader to Mr. Taylor, dated December 10, 2012, enclosing the Maryland Response to Petition for Reinstatement; and
- (8) a letter from Mr. Schrader to Mr. Taylor, dated December 18, 2012, enclosing the December Order.

# Recommendation of the Panel

Pursuant to Delaware Lawyers' Rules of Disciplinary Procedure Rule 18(d), the Board "shall recommend to the Court that it impose the identical discipline . . . unless counsel or the lawyer demonstrates . . . that:

- (1) the procedure was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process;
- (2) there was such infirmity of proof establishing the misconduct as to give rise to the clear conviction that the Court could not, consistent with its duty, accept as final the conclusion on the subject;
- (3) the imposition of the same discipline by the Court would result in grave injustice; or
- (4) the misconduct established warrants substantially different discipline or no discipline in this State . . . ."

Upon consideration of the documents submitted in this case, including the positions of the Respondent, ODC and Maryland Bar Counsel, it is the Panel's recommendation that the identical discipline be imposed in Delaware as that imposed by the Court of Appeals of Maryland pursuant to the August Order. The Panel finds no grounds under Rule 18(d) to recommend any different sanction.

Respectfully submitted,

 $\frac{2/19/13}{\text{Date}}$ 

Susan H. Kirk-Ryan, Esq., Panel Chair

2/18/13 Date

Patricia O. Vella, Esq.

2 19/13 Date Cally C. McDaniel

Ms. Carey C. McDaniel