

Matter of Autman
Del. Supr. No. 101, 2000 (3/29/00)
Board Case No. 36, 1999

Disciplinary Rules: **DLRPC 1.3, 1.4(a)**

Sanctions Imposed: **Public reprimand with conditions**

The Delaware Supreme Court issued an Order on March 29, 2000 in an attorney disciplinary matter involving W. Lee Autman, Jr., Esquire. The Court's decision followed a hearing before the Board on Professional Responsibility (the "Board") on a petition for discipline by the Office of Disciplinary Counsel ("ODC"). This disciplinary matter arose from a complaint to the ODC concerning Mr. Autman's handling of the Estate of Ms. Violet Pietras (the "Estate"). The Estate was opened in August 1997. A complaint regarding Mr. Autman's conduct in representing the Estate was filed in May 1999.

The ODC and Mr. Autman had submitted to the Board a prehearing stipulation and joint recommendation of sanctions (the "Stipulation"). The Stipulation contained unconditionally admitted findings of fact and violations of the Delaware Lawyers' Rules of Professional Conduct (the "Rules"). Mr. Autman admitted that he violated Rule 1.3, by failing to act with reasonable diligence and promptness on behalf of the executrix of the Estate, and by failing to perform the work necessary to probate the Estate in a timely manner. Mr. Autman also admitted that he violated Rule 1.4(a), by failing to keep his client, the executrix, reasonably informed about the status of the Estate matters or to promptly comply with her reasonable requests for information.

In the Stipulation, the ODC and Mr. Autman proposed that the Board recommend to the Court the sanction of a public reprimand, with certain conditions. These conditions were cooperation with the ODC, consultation with a mentor assigned by the Professional Guidance Committee, and payment of costs. In approving the proposed sanction, the Board considered aggravating and mitigating factors. The aggravating factors were Mr. Autman's substantial experience in the practice of law and his prior disciplinary record, which consisted of three private admonitions (imposed in 1985, 1995, and 1996). The mitigating factors were the absence of any dishonest or selfish motive; Mr. Autman's full cooperation with the ODC from the outset of the disciplinary matter, and his full and free disclosure to the Board; his sincere remorse for his conduct in the handling of the Estate; and his payment of restitution to the beneficiaries of the Estate in connection with the consensual resolution of the disciplinary matter.

After a hearing in March 2000, the Board approved the Stipulation and recommended the sanction of a public reprimand with conditions. In its March 29 Order, the Supreme Court approved the Board's report and imposed the recommended disciplinary sanction.