

Matter of Carmine,
Del. Supr., No. 289, 1991 (8/19/91),
Board Case No. 26, 1991

Disciplinary Rules/Issues: Reinstatement to Practice

Nature of Case:

The Respondent had been suspended from the practice of law in April of 1989 for a period of two years, for various disciplinary violations. Upon petition for reinstatement to practice, the Board on Professional Responsibility held a hearing pursuant to Board Rule 23. The Board found that the Respondent had complied with the terms of the suspension order, that he had undergone successful professional counseling for personal problems which eventually led to the suspension, that his prognosis for avoiding or dealing with such problems was good, and that he had been working steadily as a full-time paralegal during the time of the suspension. The Office of Disciplinary Counsel did not oppose the reinstatement petition. In recommending that the petition be granted, the Board found that the Respondent had demonstrated, with clear and convincing evidence, his compliance with the applicable disciplinary rules and orders, his rehabilitation, and his fitness to resume the practice of law.

Action Taken By The Court:

The Supreme Court reviewed the report of the Board in this case and heard oral argument from the parties. In light of the Board's requirement that the Respondent pay the costs of the proceeding, such payment is to be considered as a condition to reinstatement. The Court approved the Board's findings, and the Respondent was unconditionally reinstated as a member of the Delaware Bar.