

Private Admonition with Probation -- Del. Supr., No. 59, 1996; Board Case No. 16, 1994. Date of Sanction: March 5, 1996. Accepting a resolution proposed by the office of Disciplinary Counsel and the Respondent, the Board on Professional Responsibility imposed a private admonition, a one year period of probation, and a condition of restitution on a lawyer who admitted violating Rules 1.1, 1.3, and 1.4 of the Delaware Lawyers' Rules of Professional Conduct. The violations occurred when the attorney took on an estate proceeding without help or guidance from counsel more experienced in the area.

Rule 1.1 provides that "a lawyer shall provide competent representation to a client...." The Respondent violated this Rule failing to correctly calculate, on several occasions, the assets of the estate that would be distributed to each of the heirs, by making improper distributions of estate assets, and by failing to prepare and file on a timely basis the inventory, the accounting, and the tax filings for the estate.

Rule 1.3 provides that a lawyer "shall act with reasonable diligence and promptness in representing a client." The Respondent violated this Rule by failing to act with reasonable diligence in attempting to recover the improper distributions made to certain heirs and in failing to prepare and timely file an inventory of assets, an accounting, and tax filings on behalf of the estate.

Rule 1.4 (a) provides that "a lawyer shall keep a client reasonably informed about the status of a matter...." The Respondent violated this Rule by failing to inform two of the administrators of the estate in a timely manner about the incorrect distributions. The Respondent did not disclose these incorrect distributions until nine or ten months after they had been made, and only when the two administrators inquired about certain dispositions that had been made to other heirs.

The sanction included a private admonition, a period of probation requiring supervision of future estate matters, and restitution of \$2,590 to one of the administrators, who had received less than his share of the estate due in large part to the Respondent's lack of competence and diligence.