

In Re Carmine
Del. Supr., 559 A.2d 248 (1989)

Disciplinary Rules: DLRPC 1.3, 1.4(a), 1.16(d), 3.1, 3.4(c),
8.1(b), 8.4(c), DR 1-102(A)(4), DR 6-101(A)(3)

Nature of Case

The Board on Professional Responsibility concluded that:

- (1) Respondent, with respect to the representation of client Diggins: failed to post an appeal bond required by statute, violating DLRPC 1.3; failed to keep his client informed about the status of the appeal, violating DLRPC 1.4(a); knowingly defended a frivolous proceeding, violating DLRPC 3.1; failed to file an answering brief, thus disobeying a court obligation, violating DLRPC 3.4(c); and, as a whole, engaged in a dishonest course of conduct toward his client by not informing his client that the appeal was dismissed, violating DLRPC 8.4(c).
- (2) Respondent, with respect to the representation of client Padavoni: failed to be candid with his client about client's insurance claim by not informing him that negotiations for a settlement had lapsed and that suit was never filed, violating DLRPC 8.4(c) and DR 1-102(A)(4); neglected his client's legal matter by failure to file suit, violating DR 6-101(A)(3); failed to facilitate the transfer of the case to a new Delaware attorney as authorized by the client, violating DLRPC 1.16(d); failed to respond to Disciplinary Counsel's *subpoena duces tecum*, violating DLRPC 8.1(b); and misrepresented to the Superior Court that the whole matter had been resolved, violating DLRPC 8.4(c).
- (3) Respondent, with respect to the representation of client Anderson: failed to file a motion for substitution of an administratrix in a deceased client's case, violating DLRPC 1.3, and neglected a legal matter by failing to effect service of process, violating DR 6-101(A)(3).
- (4) Respondent, with respect to the representation of client Green: failed to file an opening brief, reply brief and response to an application for fees as directed by the Family Court, violating DLRPC 1.3.

Action Taken by the Court:

The Court concluded that the record supported the Board's findings and ordered a two-year suspension.