

PRESS RELEASE

From: David A. White
Chief Disciplinary Counsel

Date: January 31, 2023

Re: **Delaware Supreme Court Orders Suspension of Delaware Lawyer**

In accordance with Rule 14(e) of the Delaware Lawyers' Rules of Disciplinary Procedure ("DLRDP") of Delaware Office of Disciplinary Counsel submits the following notice of imposition of public discipline on a Delaware lawyer:

On January 23, 2023, the Delaware Supreme Court (the "Court") ordered the suspension of Delaware lawyer, Andre M. Beauregard ("Beauregard"), for professional misconduct resulting from his hiring of a private investigator to improperly interview a juror post-trial without court permission from trial judge and his subsequent false statements to the judge about the juror interview that were material to a hearing on a motion for a new trial Beauregard filed.

Beauregard's misconduct involved a violation of Rule 5.3(a) of the Delaware Lawyers' Rules of Professional Conduct (the "Rules"), which provides it is misconduct for a Delaware lawyer who hires a non-lawyer not to have in effect measures giving reasonable assurance that the conduct of the non-lawyer is compatible with the ethical obligations of the lawyer.

By violating Rule 5.3(a), Beauregard also violated Rule 3.5(c) related to communications with a juror after trial unless permitted by the court, Rule 5.3(c)(2) related to improper conduct of a non-lawyer over whom a lawyer has direct supervisory authority and who knows of the improper conduct at a time the consequences of it can be avoided or mitigated but fails to take reasonable remedial action, and Rule 8.4(c), for engaging in conduct involving dishonesty, fraud, deceit or misrepresentation to the judge regarding the improper juror contact.

On November 5, 2020, ODC filed a Petition for Discipline against Beauregard. A 3-person panel of the Board on Professional Responsibility (the "Board") bifurcated the disciplinary hearing, with the first hearing addressing liability and the second hearing addressing sanctions. Following a 4-day hearing

on liability, the Board issued a unanimous, 82-page report on June 25, 2021 finding by clear and convincing evidence that Beauregard violated Rule 5.3(a), Rule 3.5(c) by operation of Rule 5.3(a), Rule 5.3(c)(2), and Rule 8.4(c).

On October 14, 2021 the sanctions hearing was held and on March 25, 2022 the Board issued an 82-page report, recommending Beauregard be suspended from the practice of law for two years with the opportunity to apply for limited reinstatement after one year to serve as counsel for indigent defendants with the Office of Conflicts Counsel (“OCC”) program and with the opportunity to apply for full reinstatement after two years. ODC did not object to the Board’s findings or recommendations.

Beauregard took exception to the Board’s liability and sanctions reports to the Delaware Supreme Court. And after briefing and oral argument, on January 23, 2023 the Court issued a per curiam decision agreeing with the Board’s findings and recommendations on liability and adopting the Board’s recommendation on sanctions.

Thereafter, on January 25, 2023 ODC filed a Petition in the Court of Chancery for the appointment of a Receiver over Mr. Beauregard’s law practice. On January 30, 2023 the Court appointed Joseph D. Stanley, Esquire as the Receiver.

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