

***In re Richard L. Abbott*, 925 A.2d 482 (Del.), cert. denied, 76 U.S.L.W. 3057 (U.S. Oct. 9, 2007) (No. 07-126)**

Public Reprimand Imposed May 2, 2007 for Violations of Rules 3.5(d) and 8.4(d)

On May 2, 2007, the Delaware Supreme Court issued an *en banc* opinion by which the Court imposed the disciplinary sanction of a public reprimand on Delaware lawyer Richard L. Abbott. This attorney disciplinary matter originated from written arguments by Mr. Abbott in legal briefs he filed on behalf of a client in Superior Court litigation. The Court concluded that Mr. Abbott's conduct violated the Delaware Lawyers' Rules of Professional Conduct. Specifically, the Court found Mr. Abbott violated Rule 3.5(d) by engaging in undignified or discourteous conduct that is degrading to a tribunal, and Rule 8.4(d) because his conduct was prejudicial to the administration of justice.

In determining that Mr. Abbott's written legal arguments violated the Rules, the Court focused on three separate categories of improper conduct. First, according to the Court, Mr. Abbott improperly used inflammatory language to make personal attacks against opposing counsel. Second, the Court addressed Mr. Abbott's disrespectful suggestion that the Superior Court would rule on the basis of bias against his client rather than on the merits of the case. Third, the Court noted that Mr. Abbott's improper written arguments resulted in a waste of judicial resources because it was necessary for the Superior Court to write an opinion explaining the Court's decision to strike those improper portions of Mr. Abbott's written submissions.

Finally, the Court discussed the obligation of Delaware lawyers to represent clients "zealously *within* the bounds of both the positive law and the rules of ethics." The Court notes that civility and professionalism are integral to the fair administration of justice. The Court stated: "Simply put, insulting conduct toward opposing counsel, and disparaging a court's integrity are unacceptable."

By Order dated October 9, 2007, the United States Supreme Court denied a petition for writ of certiorari filed by Mr. Abbott, in which he requested that the Court review the Delaware Supreme Court's May 2, 2007 decision. By denying the petition for writ of certiorari, the United States Supreme Court allowed the Delaware Supreme Court's decision and public reprimand to stand.