

DISCIPLINARY ACTION

PRIVATE PROBATION

ODC File No. 113609-B

Effective Date: July 18, 2018

An attorney received a sanction of a one-year private probation with conditions for violation of Rules 1.3 (diligence), 5.3 (supervision of non-lawyer staff) and 8.4(d) (conduct prejudicial to the administration of justice) of the Delaware Lawyers' Rules of Professional Conduct.

The attorney was the managing partner of a firm and responsible for office management, including the filing and service of complaints. The attorney delegated responsibility for the filing and service of complaints to a paralegal acting under the attorney's direction. The attorney failed to adequately supervise the paralegal resulting in dismissal of a complaint for failing to serve the defendant with the time prescribed by a Court Rule. A panel of the Preliminary Review Committee ("PRC") offered the sanction of a one-year private probation with conditions to which the attorney consented. In determining a one-year private probation with the condition of reimbursement of costs to the Office of Disciplinary Counsel ("ODC") was appropriate, the PRC considered the lawyer's lack of prior disciplinary history, lack of dishonest or selfish motive and cooperation with ODC.