

## DISCIPLINARY ACTION

### **PRIVATE ADMONITION.**

**ODC File Nos. 105130-B, 108243-B and 108430-B    Effective Date: December 19, 2014**

A Panel of the Preliminary Review Committee (“PRC”) of the Board on Professional Responsibility offered a private admonition with conditions to a lawyers after finding probable cause the lawyer violated Rules 1.1, 1.3, 1.15(a) and 5.3 of the Delaware Lawyers’ Rules Professional Conduct (“Rules”) in connection with the lawyer’s handling of five real estate settlements and an estate planning matter. The lawyer accepted the private admonition with conditions.

The lawyer represented the borrowers in five separate refinance real estate settlements between 2006 and 2012. The settlements required the timely filing and recording of documents conveying or affecting title including the recording of mortgages and deeds and satisfaction of outstanding mortgages. The lawyer delegated these duties to non-lawyer assistants but failed to make reasonable efforts to ensure they timely recorded and filed the documents. In four settlements, the documents were not timely recorded and/or filed. By failing to ensure the timely recording and filing of documents conveying or affecting title in the settlements, the lawyer violated Rule 1.1 (Competence) and Rule 1.3 (Diligence). By failing to make reasonable efforts to ensure his non-lawyer assistants timely recorded and filed documents conveying or affecting title in the settlements, the lawyer violated Rule 5.3 (Duty to Supervise Non-Lawyer Assistants).

In a fifth real estate settlement, the lawyer failed to disburse settlement funds from a Rule 1.15A trust account. By failing to disburse funds for a real estate settlement from a Rule 1.15A trust account, the lawyer violated Rule 1.15(a) (Duty to Safeguard Client Funds).

In a separate estate planning matter, a client paid the lawyer a fee to prepare a Will, Power of Attorney and Advanced Health Care Directive. The lawyer failed to perform any work on the matter. By failing to prepare the Will, Power of Attorney and Advanced Health Care Directive, the lawyer violated Rule 1.1 (Competence) and Rule 1.3 (Diligence).

In support of a determination that a sanction of a private admonition with conditions was the appropriate sanction for the attorney’s professional misconduct, the PRC considered aggravating and mitigating factors pursuant to the ABA Standards for Imposing Lawyer Sanctions (1991 and 1992 – Supp.). In aggravation, the PRC considered the attorney’s

substantial experience in the practice of law. In mitigation, the PRC considered that the lawyer did not have a dishonest or selfish motive and cooperative attitude toward disciplinary proceedings. The condition requires the lawyer to attend a Fundamentals of Real Estate seminar.

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