

**NOTEWORTHY DISCIPLINARY DECISIONS**  
**January 2018– December 2018**

**SUSPENSION**

**IMO Robert Deary, ODC File No. 113861-B, Michael K. Dougherty, ODC File No. 113862-B, Matthew H. Osborne, ODC File No. 113864-B and Michelle T. Wirtner, ODC File No. 113866-B.  
Supreme Court Misc. Docket No. 521. Effective June 13, 2018.**

The Supreme Court of Delaware by Order dated June 13, 2018 suspended Robert Deary, Esquire, Michael K. Dougherty, Esquire, Matthew H. Osborne, Esquire and Michelle T. Wirtner, Esquire from the practice of law in Delaware.

The above-named attorneys failed to appear before the Supreme Court for a Rule to Show Cause hearing on June 13, 2018 for their failure to file their 2018 Annual Registration with the Supreme Court of Delaware. The Court found the attorneys violated Delaware Supreme Court Rule 69(j).

The period of suspension from the practice of law shall continue until the lawyers petition the Court for reinstatement and demonstrate their fitness to practice law in the State of Delaware.

**IMO Andre M. Beauregard  
ODC File No. 112702-B  
Supreme Court No. 477, 2017, Effective date: July 2, 2018**

The Supreme Court of Delaware by Order dated June 5, 2018 suspended Andre M. Beauregard, Esquire from the practice of law in Delaware for six months beginning July 2, 2018.

Mr. Beauregard was responsible for the maintenance of his law firm's books and records. As managing partner of the firm, Mr. Beauregard failed to exercise reasonable supervision over non-lawyer employees charged with the keeping of the law firm's books and records, failed to take reasonable action to correct known books & records violations and misrepresented his law firm's compliance on his 2015 Certificate of Compliance. The Court found Mr. Beauregard violated Rules 1.15(a), 1.15(d), 5.3(c), 8.4(c) and 8.4(d).

During Mr. Beauregard's six-month suspension from the practice of law, Mr. Beauregard may not practice law nor share in any legal fees arising from clients or cases referred by Mr. Beauregard to any other attorney or share in any legal fees earned for services. Mr. Beauregard may, however, continue to provide defense representation

through the Office of Conflicts Counsel. Following the suspension period, Mr. Beauregard is permanently barred from maintaining his or any law firm's books and records or acting in a supervisory capacity over the law firm's books and records under Rule 5.3. Mr. Beauregard must reimburse the ODC's costs, the cost of the Lawyers' Fund audit and fully cooperate with the ODC in its efforts to monitor his compliance with the Order.

### **INTERIM SUSPENSION**

**IMO Donald C. Vavala, III**  
**ODC File No. 113845-B**  
**Supreme Court No. 208, 2018, Effective date: May 3, 2018**

By Order dated May 3, 2018, the Delaware Supreme Court suspended Donald C. Vavala, III, Esquire immediately from the practice of law in Delaware pursuant to Rule 16(a) of the Delaware Lawyers' Rules of Disciplinary Procedure, pending the disposition of disciplinary proceedings before the Board on Professional Responsibility.

### **DISBARMENT**

**IMO**  
**Supreme Court No. Effective Date:**

**IMO**  
**Supreme Court No. Effective Date:**

### **PUBLIC REPRIMAND W/CONDITIONS**

**PUBLIC REPRIMAND WITH CONDITIONS: ERIK C. GRANDELL, ESQUIRE,**  
**SUPREME COURT NO. 283, 2018 EFFECTIVE June 29, 2018.**

On June 29, 2018, the Delaware Supreme Court Ordered Erik C. Grandell, Esquire be publicly reprimanded for violation of Delaware Lawyers' Rule of Disciplinary Procedure 7(c) (violation of prior disciplinary order) and Rule 8.4(d) (conduct prejudicial to the administration of

justice) of the Delaware Lawyers' Rules of Professional Conduct. The Court approved the Board on Professional Responsibility ("Board") recommendation that Mr. Grandell be publicly reprimanded with a two-year period of probation with conditions.

On June 26, 2015, Mr. Grandell accepted a private admonition with a two-year probation and conditions for violations of the Rules of Professional Conduct. Among the conditions of the private sanction, Mr. Grandell was required to notify any employer of any conditions, meet on a monthly basis with a mutually agreed upon practice monitor and reimburse a claim paid by the Lawyers' Fund for Client Protection ("LFCP") within 60 days. The Board found Mr. Grandell violated those three conditions and engaged in conduct prejudicial to the administration of justice.

The Court accepted the Board's findings and recommendation of a public reprimand with a two-year probation and imposed the following conditions:

1. Respondent is prohibited from engaging in the solo practice of law;
2. Respondent is prohibited from acting as managing partner in charge of books and records of a firm;
3. Respondent shall notify any employer of these conditions;
4. Respondent shall seek treatment with Alice R. O'Brien, LPCMH or alternate licensed mental health treatment provider until such time as Ms. O'Brien or an alternate licensed mental health treatment monitor determines such treatment to no longer be recommended, such determination to be communicated to ODC;
5. Respondent shall execute a formal monitoring agreement with DE-LAP and comply with all conditions deemed appropriate by DE-LAP;
6. Respondent shall meet on a monthly basis with a mutually agreed upon practice monitor who will closely review Respondent's legal work and cases. This practice monitor shall provide quarterly reports to ODC of the Respondent's compliance with monitoring;
7. Respondent shall report any violations of the conditions of his probation to ODC directly;
8. Respondent shall cooperate promptly and fully with ODC in its efforts to monitor compliance with his conditions of probation. Respondent shall cooperate with ODC's investigation of any allegations of unprofessional conduct which may come to the attention of ODC. Upon request of ODC, Respondent shall provide authorization for release of information and documentation, to the extent not granted above, to verify compliance with the conditions of probation;

9. Respondent shall pay cost of the disciplinary proceedings; and
10. Respondent shall notify ODC of any changes in his employment status within 10 days after such change in employment status.

**IMO Joseph A. Hurley, Esquire**  
**Supreme Court No. 383, 2017, Effective Date: March 14, 2018**

By Opinion dated March 14, 2018, the Delaware Supreme Court imposed the sanction of public reprimand with conditions upon Joseph A. Hurley, Esquire. This attorney discipline stems from Mr. Hurley's professional misconduct in connection with two separate matters.

In the first case, Mr. Hurley was asked to respond to a disciplinary complaint filed by a former client. His letter responses to the Office of Disciplinary Counsel and the former client included sarcastic and insulting language that demeaned the former client's mental state and personality, in violation of Rule 4.4(a) of the Delaware Lawyer's Rules of Professional Conduct ("Rules").

In the second case, Mr. Hurley sent correspondence to four Deputy Attorneys General, who were opposing counsel in criminal cases he was defending. The content in Mr. Hurley's correspondence to several female deputies included crude and sexualized comments, as well as demeaning remarks regarding their intelligence. Mr. Hurley's correspondence to a male deputy included derogatory comments regarding the deputy's religion. The Court found Mr. Hurley's disparaging and demeaning correspondence towards the four deputies violated Rule 4.4(a). The Court further found Mr. Hurley's remarks regarding one of the female deputies in correspondence to Superior Court was conduct prejudicial to the administration of justice in violation of Rule 8.4(d).

The Court flatly rejected Mr. Hurley's excuse that his comments were intended to be humorous. Instead, the Court held Mr. Hurley engaged in knowing misconduct because he had been admonished on several prior occasions by senior Deputy Attorneys General and supervisors to stop his inappropriate and offensive correspondence with junior deputies and refused to do so. Mr. Hurley also repeatedly attacked the disciplinary process throughout his prosecution.

The Court determined the sanction of public reprimand with conditions, was appropriate after considering the facts of the case, the Rules violated, the *ABA Standards for Imposing Lawyer Sanctions* and the Court's relevant case precedent. As a condition of his discipline, Mr. Hurley will be required to complete a training program provided by a qualified human resource professional on the subjects of professionalism, respectful treatment of colleagues and opposing counsel, and the need to refrain generally from

inappropriate discussions of a sexual or religious nature when communicating, orally or in writing, in the course of practicing law.

**PUBLIC REPRIMAND WITH TWO-YEAR PROBATION**

**IMO**

**Supreme Court No. Effective date:**

**IMO**

**Supreme Court NO., Effective date:**

**DISABILITY INACTIVE**

**IMO**

**Supreme Court No.**

**PRIVATE ADMONITION**

**PRIVATE ADMONITION**

**ODC File No. 110018-B**

**Effective Date: March 15, 2018**

A Delaware lawyer was privately admonished for violation of Rules 1.15(a) and 1.15(c) of the Delaware Lawyers' Rules of Professional Conduct. The lawyer held a client's funds that had been received from third parties in the firm's trust account. The lawyer was on notice that the client and other parties claimed an interest in the funds. Concerned the clients would not pay the firm's invoice for attorney's fees, the lawyer directed transfer of a portion of the client's funds held in escrow to the firm's operating account to satisfy the outstanding invoice. At ODC's request, the firm immediately restored the client's funds to the escrow account. Thereafter, the firm filed litigation in Superior Court to determine the enforceability of the attorney's lien.

**PRIVATE ADMONITION. ODC File No. Effective Date –**

## **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.

### **PRIVATE PROBATION. ODC File No. Effective Date:**

## **REINSTATEMENT**

### **IMO Christopher D. Tease**

#### **Supreme Court No. 86, 2018 Effective Date: February 22, 2018**

By Order dated February 22, 2018, the Delaware Supreme Court transferred Christopher D. Tease, Esquire to active status, pursuant to Rule 19 of the Delaware Lawyers' Rules of Disciplinary Procedure, subject to conditions.

### **IMO Kenneth J. Young**

#### **Supreme Court No. 435, 2018 Effective Date: August 29, 2018**

By Order of the Delaware Supreme Court dated August 29, 2018, Kenneth J. Young has been transferred back to active status to the Delaware Bar effective August 29, 2018. In an August 31, 2015 order, Young was transferred to disability inactive status indefinitely.

**CONDITIONAL DIVERSION**

**ODC File No. Effective Date:**