

Disciplinary Actions

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PRIVATE PROBATION, BOARD
CASE NO. 2012-0307-B. DATE:
JANUARY 29, 2013.

An attorney received a private probation for violations of the Delaware Lawyers' Rules of Professional Conduct ("Rules"). A panel of the Preliminary Review Committee ("PRC") offered the sanction of a private probation, with conditions, to which the attorney consented.

The attorney, who does not work in the State of Delaware, retained Delaware counsel in connection with litigation pending in the Court of Chancery (the "Court"). Delaware counsel moved the attorney's admission *pro hac vice*, in connection with which the attorney certified he/she "shall be bound" by "all Rules of the Court." The Court admitted the attorney *pro hac vice* in accordance with Court of Chancery Rule 170(d), which specifies "Delaware Counsel for any party shall appear in the action in which the motion for admission *pro hac vice* is filed," and "shall attend all proceedings before the Court, Clerk of the Court, or other officers of the Court, unless excused by the Court." Despite this rule, the attorney hastily organized and participated in a conference call with the Court without Delaware counsel present. Delaware counsel was unaware of the conference call until after it concluded. The Court referred the attorney to the Office of Disciplinary Counsel ("ODC") as a result of the attorney's conduct in connection with the conference call.

By contacting and participating in a conference call with the Court without Delaware counsel present, the attorney violated the Rules stating an attorney shall not "knowingly disobey an obligation under the rules of a tribunal," and shall not "engage in conduct that is prejudicial to the administration of justice." As a result of this misconduct, the attorney consented to a one year

private probation. As conditions of the private probation the attorney must (1) meet with a mentor approved by the ODC on at least two occasions during the probationary period to review and discuss appropriate conduct for an attorney practicing in the State of Delaware, and (2) review the video of a Continuing Legal Education presentation addressing ethical issues in litigation.

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