

**Matter of Hiner**  
**Del. Supr. 566, 2002 (12/20/02)**  
**Board Case Nos. 33, 34, and 54, 2001**

**Disciplinary Rules Involved:** DLRPC 1.1, 1.2(a), 1.3, 1.4(a), 1.4(b),  
1.16(d), 3.2, 3.4(c), 8.1(b), 8.4(d)

**Sanctions Imposed:** Three-Year Suspension

Effective Date of Sanction: May 2, 2004. The Delaware Supreme Court accepted the findings and recommendations of the Board on Professional Responsibility (the “Board”), and ordered that John R. Hiner, Jr., be suspended from the practice of law for a period of three years. This suspension will run concurrently to the last year of his current three-year suspension, which was imposed by the Court effective May 6, 2002. Mr. Hiner will serve a five-year suspension in all.

The sanction of suspension was imposed on Mr. Hiner based on his ethical misconduct in four client matters in violation of Rules 1.1, 1.2(a), 1.3, 1.4(a), 1.4(b), 1.16(d), 3.2, 3.4(c), 8.1(b), and 8.4(d) of the Delaware Lawyers’ Rules of Professional Conduct (the “Rules”). The Court approved the Board’s findings that Hiner, an experienced lawyer, had engaged in the aforementioned ethical misconduct and accepted the Board’s recommendation of a three-year suspension.

Mr. Hiner, a solo practitioner, failed to competently represent his clients; failed to follow the objectives of his clients concerning the legal representation; failed to diligently represent his clients’ interests in criminal and civil matters (in a criminal matter, the public defender’s office was appointed to represent Mr. Hiner’s criminal client because he failed to appear at sentencing on two occasions; in a civil matter, Mr. Hiner allowed a statute of limitations period to expire without protecting the rights of his client to seek redress for injuries); failed to respond to communication from his clients; failed to keep his clients informed of the status of their legal matters (Mr. Hiner failed to notify a client of an arbitration award); failed to appear in court on his clients’ matters; failed to respond to the courts before which his clients had legal matters (Mr. Hiner failed to respond to Rules to Show Cause directed to him by Superior Court); failed to relinquish his clients’ files to them, or substitute counsel, upon termination of the legal representation; failed to respond to requests for information by ODC; and engaged in conduct which was prejudicial to the

administration of justice.

In determining the appropriate sanction for the Rules violations, the following four factors were considered: 1) the serious nature of the duties violated—duties to the legal profession, the legal system, and his clients; 2) Mr. Hiner’s state of mind—knowing failure to represent his clients and intentional failure to cooperate with the disciplinary process; 3) the injury to a personal injury client who is forever barred from filing a claim for relief due to Mr. Hiner’s misconduct; and 4) factors in aggravation of the degree of discipline to be imposed. The aggravating factors included Mr. Hiner’s substantial experience in the practice of law; the pattern of misconduct and multiple offenses; failure to cooperate with the ODC; and refusal to acknowledge the wrongful nature of his conduct. The Board considered no factors in mitigation of a harsher sanction.

Mr. Hiner is not eligible to petition for reinstatement until May 3, 2007.