

Matter of O'Neal
Del. Supr. No. 195, 1998 (5/14/98)
Board Case Nos. 33, 34 and 67, 1997 and 3, 4, 14 and 15, 1998

Disciplinary Rules: DLRPC 1.3, 1.4(a), 1.5(a), 1.15(a) and 1.15(d).

Sanctions Imposed: Three-year inactive status followed by public reprimand and two-year probation, when and if he returns to active status.

Prior to a hearing before the Board on Professional Responsibility ("Board"), Mr. O'Neal agreed that his conduct was in violation of Delaware Lawyers' Rules of Professional Conduct 1.3 (lack of diligence), 1.4(a)(failure to reasonably inform clients), 1.5(a)(unreasonable fee), 1.15(a)(failure to keep client trust funds separate) and 1.15(d)(improper bookkeeping for client trust funds). Following a hearing, the Board approved Mr. O'Neal's conditional admission and the agreed form of discipline. By Order dated May 14, 1998, the Delaware Supreme Court approved the Board's report, thereby imposing the following disciplinary sanctions against Mr. O'Neal:

(1) O'Neal will remain on inactive status for at least three years. While on inactive status, Mr. O'Neal may not practice law in Delaware and may not act as a fiduciary, including as a guardian or trustee. After three years, Mr. O'Neal may petition the Supreme Court for a return to active status, as long as he satisfies certain conditions, including continuing legal education.

(2) Mr. O'Neal is required to pay restitution to two of the clients who suffered measurable financial harm as a result of Mr. O'Neal's mishandling of their cases.

(3) The sanctions of a public reprimand and two-year probation have been imposed but will be suspended during the period of Mr. O'Neal's inactive status.

(4) Upon any return to active status, Mr. O'Neal will not engage in the practice of law as a solo practitioner.

These sanctions arose out of several complaints to the Office of Disciplinary Counsel concerning Mr. O'Neal's conduct in the course of representing clients. In several cases the complaints involved Mr. O'Neal's handling of estate work. Other cases involved bankruptcy, real estate and domestic relations. Mr. O'Neal admitted that he failed to keep

his clients informed, failed to respond to inquiries from clients and lacked diligence in his handling of the matters, as well as trust accounting violations.

In aggravation, the Board considered Mr. O'Neal's prior disciplinary record, specifically, a private admonition in 1991 and a public reprimand in 1995. In mitigation, the Board considered several factors, including Respondent's cooperation with the ODC, the absence of a dishonest or selfish motive and the Respondent's full and free disclosure to the Board.

Until his transfer to inactive status in March 1998, Alan L. O'Neal had been in solo practice in Seaford, Delaware. He has been a member of the Delaware bar since 1983.

(By Order dated March 4, 1998, the Court of Chancery appointed Gary R. Dodge, Esquire receiver of Mr. O'Neal's law practice. Anyone with any questions about matters previously handled by Mr. O'Neal should contact Mr. Dodge at (302) 674-5400.)