

Matter of Cordrey
Del. Supr. No. 517, 1997 (2/26/98)
Board Case No. 32, 1997

Disciplinary Rules: DLRPC 1.1, 1.2(a), 1.3, 1.4(a), 3.2 and 8.4(d).

Sanctions Imposed: Public reprimand and one-year probation with conditions.

The Delaware Supreme Court approved the findings and recommendations of a panel of the Board on Professional Responsibility (the "Board") and has ordered that John H. Cordrey, Esquire (the "Respondent"), a member of the bar since 1980 with an office in Georgetown, be publicly reprimanded with a one-year period of probation subject to certain conditions.

The reprimand and probation arose out of a complaint to the ODC concerning the Respondent's conduct in the course of representing clients in an action in the Court of Chancery involving an alleged fraudulent conveyance of real property. The Respondent failed to respond to discovery requests and to motions to compel responses and for default judgment. As a result of the Respondent's inaction, a default judgment was entered against his clients and the property was sold at sheriff's sale. The clients were not adequately advised of the course of the proceedings.

Prior to a hearing before the Board held on September 12, 1997, the Respondent agreed that his Conduct was in violation of Delaware Lawyers' Rules of Professional Conduct 1.1 (failure to provide competent representation); 1.2 (a) (failure to abide by clients' decisions concerning the objectives of the representation); 1.3 (lack of diligence and promptness); 1.4 (a) (failure to reasonably inform clients); 3.2 (failure to expedite litigation); and 8.4(d) (engaging in conduct prejudicial to the administration of justice).

Following a hearing on the issue of sanctions, the Board issued a report finding that the sanction of a public reprimand with a one-year period of probation subject to certain conditions was appropriate. These conditions include cooperation with the ODC in any other investigation of any allegations of unprofessional conduct, consultation with the Professional Guidance Committee of the Delaware State Bar Association regarding the Respondent's system for case management, and reporting periodically to the ODC. Any violation, of the terms of the probation may result in the ODC's filing directly with the Delaware Supreme Court a petition for suspension from the practice of law.

In aggravation, the Board considered the Respondent's substantial experience in the practice of law and his three prior private admonitions (1988, 1993, and 1995). In mitigation, the Board considered the absence of any dishonesty or selfish motive on the part of the Respondent. Additionally, the Respondent expressed remorse and knowledge of the wrongfulness of his conduct. The Respondent has no prior public disciplinary record.