

IN THE SUPREME COURT OF THE STATE OF DELAWARE

In the Matter of a Member)
of the Bar of the Supreme Court)
of the State of Delaware:) No. 431, 2007
)
JAMES B. TYLER, III,) Board Case Nos. 18, 19, 22, 2006
) and 6, 2007
)
) Respondent.

Before **HOLLAND, BERGER** and **RIDGELY**, Justices.

ORDER

This 19th day of December, 2007, on consideration of the submissions of the parties, it appears to the Court that:

1) This is a disciplinary matter involving James B. Tyler, III, a member of the Delaware Bar (Respondent). After a hearing, the Board on Professional Responsibility issued a Report (attached hereto) finding that Respondent engaged in professional misconduct in connection with four client matters during the period from September 2004 through October 2006. Respondent does not dispute the Board's findings, which were based on a stipulation of admitted facts.

2) The Board recommended the sanction of a public reprimand and two years of probation, during which time Respondent would be subject to monitoring and practice restrictions. Both the Office of Disciplinary Counsel ("ODC") and Respondent objected to the Board's recommended sanctions. ODC asked this

Court to suspend Respondent, in light of his past private admonitions and public reprimand for other misconduct. For his part, Respondent argued that the practice limitations recommended by the Board would make it difficult, if not impossible, to continue practicing law. Indeed, Respondent represented to the Court that he will be retiring from the practice of law, regardless of the sanction imposed in this matter.

3) This Court has the “inherent and exclusive authority” to discipline members of the Delaware Bar.¹ “The Board’s recommendation is helpful to the Court, but it is not binding.”² After carefully considering Respondent’s violations, the aggravating and mitigating circumstances, and our prior precedents, we conclude that an 18 month suspension is the appropriate sanction.³

NOW, THEREFORE, IT IS ORDERED that:

1. Respondent is suspended from the practice of law in the State of Delaware for 18 months from the date of this Order.
2. During the period of suspension, Respondent shall conduct no act directly

¹*In re Shamers*, 873 A.2d 1089, 1096 (Del. 2005).

²*In re Thompson*, 911 A.2d 373, 376 (Del. 2006).

³*See*: Objections of the Office of Disciplinary Counsel, which sets forth the rationale and authorities in support of the conclusion that a suspension is warranted.

or indirectly constituting the practice of law, including the sharing or receipt of any legal fees. Respondent shall also be prohibited from having any contact with clients or prospective clients, or witnesses or prospective witnesses, when acting as a paralegal, legal assistant, or law clerk under the supervision of a member of the Delaware Bar, or otherwise.

3. The Office of Disciplinary Counsel shall file a petition in the Court of Chancery for the appointment of a receiver for Respondent's law practice. The Receiver shall make such arrangements as may be necessary to protect the interests of any of Respondent's clients.

4. Respondent shall assist the Receiver in following the directives of Rules 21 and 23 of the Delaware Lawyers' Rules of Disciplinary Procedure.

5. Respondent shall pay the costs of these disciplinary proceedings, pursuant to Rule 27 of the Delaware Lawyers' Rules of Disciplinary Procedure, promptly upon presentation of a statement of costs by ODC.

6. Respondent shall fully cooperate with ODC in its efforts to monitor his compliance with this Order.

7. If Respondent has complied with all of the other terms and conditions of this Order, he may petition for reinstatement after 18 months, pursuant to the requirements set forth in Rule 22 of the Delaware Lawyers' Rules of Disciplinary

Procedure.

8. This Order shall be disseminated by ODC in accordance with Rule 14 of the Delaware Lawyers' Rules of Disciplinary Procedure.

BY THE COURT:

/s/ Carolyn Berger
Justice