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. 113, 2008
	)	(Board Case No. 22,2004)
SHERRY L. FREEBERY,	)	
Respondent.	)	

Submitted: April 17, 2008
Decided: April 21, 2008

Before **STEELE**, Chief Justice, **HOLLAND**, and **RIDGELY**, Justices.

ORDER

This 21st day of April 2008, the Court having reviewed the Report of the Board on Professional Responsibility, the Limited Objections of Office of Disciplinary Counsel, and Respondent's Response,

IT IS ORDERED that the Board's recommendations are hereby adopted and the Respondent is hereby disbarred effective immediately.

BY THE COURT:

/s/ Myron T. Steele
Chief Justice

ELZUFON AUSTIN REARDON
TARLOV & MONDELL, P.A.

JOHN A. ELZUFON
JEFFREY M. AUSTIN
MARK L. REARDON
EDWARD A. TARLOV
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February 27, 2008

HAND DELIVERY
Personal and Confidential
Mr. Stephen D. Taylor
Court Administrator
Supreme Court of Delaware
Carvel State Office Building
Wilmington, DE 19899

RE: In the Matter of Freebery
Board Case No.: 22, 2004
Board Of Professional Responsibility

Dear Mr. Taylor:

Enclosed is a Final Report containing the findings and recommendations of the Panel in this matter. A copy of this report is being simultaneously served on Andrea L. Rocanelli, Esquire at the Office of Disciplinary Counsel and William J. Rhodunda, Esquire, counsel for Respondent.

Should the Court require any additional information from this panel, we are available at the pleasure of the Court.

Respectfully submitted,

MARK L. REARDON

MLR/rmr
Enclosure to all parties
Cc: Andrea L. Rocanelli, Esquire (Via Hand Delivery– Personal and Confidential)
William J. Rhodunda, Jr., Esquire (Via Hand Delivery - Personal and Confidential)
Wayne J. Carey, Esquire - (Via First Class Mail - Personal and Confidential)
Mr. John Stafford (Via First Class Mail - Personal and Confidential)
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BOARD ON PROFESSIONAL RESPONSIBILITY
OF THE
SUPREME COURT OF DELAWARE

IN THE MATTER OF	§	**CONFIDENTIAL**
	§	
	§	Board Case Nos. 22, 2004
SHERRY L. FREEBERY,	§	
RESPONDENT.	§	

REPORT OF THE BOARD ON PROFESSIONAL RESPONSIBILITY

This is the report of the findings and recommendations of the Board on Professional Responsibility of the Supreme Court of Delaware in the above captioned matter. A Hearing was held on December 12, 2007, in the Supreme Court Hearing Room, 11th Floor, Carvel State Building, 820 North French Street, Wilmington, Delaware.

The Panel of the Board on Professional Responsibility consisted of Wayne J. Carey, Esquire, Mr. John Stafford, and Mark L. Reardon, Esquire (Chair). The Office of Disciplinary Counsel ("ODC") was represented by Andrea L. Rocanelli, Esquire. Respondent was represented by William J. Rhodunda, Jr., Esquire and Elizabeth G. Taylor, Esquire, the latter having been admitted *pro hac vice*.

I. Procedural History

The ODC filed a Petition for Discipline ("the Petition") with the Board on Professional Responsibility of the Supreme Court of the State of Delaware ("the Board") on November 13, 2007. As set forth in more detail below, the ODC asserted in the Petition that Sherry L. Freebery, Esquire ("Respondent") committed a criminal act in violation of Rule 8.4(b) of the Delaware Lawyer's Rules of Professional Conduct ("the Rules"). The Respondent filed a response to the ODC's Petition on December 7, 2007. In her response, Respondent

acknowledges that her conviction under 18 U.S.C. §1014 constitutes a violation of Rule 8.4(b). Additionally, Respondent's answer requested a Hearing to determine the appropriate sanction for the admitted violation.

On December 7, 2007, ODC filed a Memorandum of Law in Support of a Recommendation for the Sanction of Disbarment. On December 10, 2007, Respondent, through her counsel, filed a Memorandum of Law asserting that the appropriate sanction for the admitted offense is a period of suspension, not disbarment.

The record in this case is extensive. At the Hearing, Respondent testified on her own behalf. During the Hearing, ODC and Respondent presented documents that were marked as Hearing exhibits. ODC Exhibits 1-3 and Respondent's Exhibits 1-9 were admitted to the record for the Board's consideration. Following the Hearing, at the request of the Board, Respondent's Exhibit 10 was made part of the record in this case.

II. The Alleged Violation of Professional Conduct

ODC alleges Respondent violated Rule 8.4(b) by knowingly making a false statement on a mortgage loan application in violation of 18 U.S.C. §1014, a felony criminal offense. Rule 8.4(b) states: "It is professional misconduct for a lawyer to: ...commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects."

III. Factual Findings of the Board

1. Respondent is a member of the bar of the Supreme Court of Delaware, having been admitted in 1995, but has never practiced law as an attorney (T-14, 18).

2. In connection with a Federal criminal matter docketed as United States v. Freebery, Cr. Action No.: 05-541-JPF, in the United States District Court for the Eastern District of Pennsylvania, before the Honorable John P. Fullam, Jr., Respondent entered a guilty plea to

the charge of Making a False Statement to a Bank, a violation of Title 18 U.S.C. §1014 (ODC Ex. 1). The elements of Making a False Statement to a Bank are: (i) the defendant made a false statement to a bank; (ii) for the purpose of influencing the action of said bank; and, (iii) the bank is an institution the accounts of which were insured by the Federal Deposit Insurance Corporation. (ODC Ex. 1; R. Ex. 9).

3. The circumstances surrounding the admitted offense are amply described in the documents presented as exhibits during the Hearing.

4. According to the Memorandum of Plea Agreement, the Respondent knowingly, voluntarily and intelligently admitted that on or about January 26, 2001, she executed a negotiable promissory note ("the Note") in the amount of $2.3 million payable on demand to Lisa Dean Moseley ("Ms. Moseley"). The Note also obligated the Respondent to pay Ms. Moseley interest on the loan at the rate of 5.9% per annum. (R. Ex. 10). The annual interest payment on this loan is calculated at $135,700. (ODC Ex 1 ¶3).

5. From the exhibits and the Hearing testimony, the Board finds that Respondent was a long-time personal friend of Ms. Moseley. (T-19). Ms. Moseley was born into a wealthy family. (R. Ex. 3 at 34).

6. According to the documents, Ms. Moseley decided to give Respondent a gift of a substantial amount of money. Her purpose was to give Respondent an opportunity to take some time off for the first time in her life and decide what she wanted to do after her retirement from a career in public service. (R. Ex. 3 at 41; T-23). Ms. Moseley was persuaded by her lawyer and estate planner to set the gift up as a loan to avoid the substantial gift tax that would result from a pure gift to Respondent. (T- 19). According to the testimony of Ms. Moseley at the sentencing hearing in Federal Court and the testimony of Respondent during the Board Hearing, it was

never intended by Ms. Moseley or Respondent that Respondent would repay the money. (R. Ex. 3 at 35; T- 25). Documents presented during the hearing confirm that Ms. Moseley did not intend to pursue repayment of the loan during her lifetime and did not intend for anyone to pursue repayment of the loan after her death. (R. Ex. 4; T-25). In fact, subsequent to Ms. Moseley's testimony in the Federal Court in January 2006, Ms. Moseley cancelled the Promissory Note that Respondent had signed and forgave any principle and unpaid interest. (R. Ex. 4; R. Ex. 10).

7. After receiving the loan from Ms. Moseley, Respondent purchased a new home for $255,000. (T-26). Because of delays in the mortgage process, Respondent paid cash for the home. (T-26). Respondent then applied to Commerce Bank to refinance the purchase with a mortgage on the property of $200,000.00, less than the value of the property on which Commerce Bank held the mortgage. (T-27). On October 3, 2003, Respondent signed a loan application, knowing that it did not list the loan from Ms. Moseley as a liability. (T-27).

8. In retrospect, Respondent acknowledges that she should have made sure that the loan was disclosed, but, at the time, she viewed it as irrelevant to her ability to repay the mortgage (T-27); she knew that Ms. Moseley had intended the money as a gift and never would have asked for repayment. (T-28). Respondent always intended to repay the mortgage in full and has done so. (T-28).

9. The Board finds that both Ms. Moseley and Respondent did consider that the transaction would ultimately be characterized as a gift and not a loan. Nonetheless, at the time Respondent signed the mortgage application on October 3, 2003, Respondent had cooperated with Ms. Moseley in making the gift "appear" to be a loan for Ms. Moseley's own tax planning purposes. To facilitate Ms. Moseley's tax planning, Respondent executed a loan document and

made at least two interest payments so the loan "didn't look like something different," as Respondent testified. (T-32; R 2 p. 4).

10. In view of Respondent taking steps to make the "gift" appear as a "loan" (and in fact it was legally a loan), the Board finds Respondent had an obvious legal and ethical obligation to disclose the loan. She admits as much. (T-27). By failing to do so, Respondent demonstrated an absence of the honesty and trustworthiness fundamentally expected of a Delaware lawyer.

IV. Standard of Proof

Allegations of professional misconduct set forth in the Office of Disciplinary Counsel's Petitions for Discipline must be proven by clear and convincing evidence. (Rule 15, Disc. Proc. Rules). Due to Respondent's acknowledgement that her felony conviction under 18 U.S.C. §1014 establishes a violation of Rule 8.4(b) [1], ODC's burden has been met, and the only issue for the Board's determination is an appropriate recommendation of sanction.

V. Discussion and Analysis

A. Jurisdiction

The Delaware Supreme Court possesses "inherent power and authority over the regulation of the legal profession," and has the responsibility to "maintain appropriate standards of professional conduct for all lawyers subject to its jurisdiction." (Rule 1(a), Disc. Proc. Rules). Accordingly, any lawyer admitted to practice law in Delaware is subject to the disciplinary authority of the Court. (Rule 5(a), Disc. Proc. Rules). The Court, in exercising its power, has appointed the members of the Board to conduct hearings and to make factual findings and

[1] "A certified copy of a judgment of conviction of an attorney for any crime shall be prima facie evidence of the commission of that crime in any disciplinary proceeding instituted against the attorney based on the conviction." (Rule 16(b), Disc. Proc. Rules)

recommendations regarding appropriate disposition of disciplinary matters. (See Rules 1 and 2, Disc. Proc. Rules; Rule 62, Del. Supr. Ct. Rules).

B. Parties Arguments

ODC claims Respondent's admitted violation of federal criminal statute 18 U.S.C. §1014 constitutes a violation of Rule 8.4(b) meriting the sanction of disbarment. (Office of Disciplinary Counsel's Memorandum in Support of Recommendation of Disbarment ("ODC Memo.") at 6). ODC asserts that Respondent, by knowingly making a false statement to a financial institution for the purpose of influencing its actions, has committed a felony offense which erodes confidence in the legal profession. (ODC Memo. at 3). ODC further asserts that "Delaware disciplinary precedent supports only imposition of the sanction of disbarment" for lawyers who engage in felony criminal conduct. (ODC Memo. at 4).

Respondent argues the only appropriate sanction, based on guidelines relied upon by the Delaware Supreme Court and relevant case law, is a suspension. (Respondent's Memorandum Regarding Appropriate Sanction ("Resp. Memo.") at 1). Respondent submits "Delaware does not have a rule requiring disbarment for conviction of all felonies or even . . . some types of felonies." (Resp. Memo. at 2). Furthermore, Respondent states a weighing of the ABA Standards for Imposing Lawyer Sanctions supports the sanction of suspension in light of the absence of harm to any clients, and the presence of mitigating circumstances. (Resp. Memo. at 8-13).

C. Respondent's Misconduct

ODC and Respondent have stipulated to Respondent's underlying criminal conviction and violation of Rule 8.4(b). Nevertheless, the Board examines Respondent's misconduct in formulating its recommendation for sanctions. Respondent committed a felony criminal act

when she knowingly made a false statement on a mortgage loan application for the purpose of influencing, for her personal benefit, a financial institution insured by the Federal Deposit Insurance Corporation. See 18 U.S.C. §1014.

A violation of 18 U.S.C. §1014 is a felony, and it carries a maximum penalty of $1,000,000 in fines, or 30 years in prison, or both. Regardless of Respondent's characterization of the loan as a gift from Ms. Moseley, Respondent executed a valid and enforceable promissory note obligating her to $2.3 million, plus interest. In fact, Respondent testified to making two interest payments on the loan. (T-25, T-26). By consciously omitting this liability from the bank loan application, Respondent engaged in a criminal act that reflects adversely on her honesty, trustworthiness and fitness to practice law in Delaware.

This conclusion is unaffected by Respondent's stated intent to repay the mortgage loan, her belief that the promissory note had no bearing on her ability to repay the mortgage loan, her actual subsequent repayment, Ms. Moseley's stated intention never to call the note, or Ms. Moseley's subsequent actual forgiveness and payment of gift tax. The mere existence of a $2.3 million demand note, whose exercise could reasonably have left the bank with little recourse but foreclosure, where recovery is not a certainty, constituted a risk beyond the bank's knowledge or control. Creating that risk was the harm done by the purposeful omission on the loan application.

D. Knowing v. Intentional Misconduct

ODC and Respondent present differing views on the critical issue of the mental state that forms the basis of Respondent's conviction. ODC analogizes Respondent's admitted misconduct to bank fraud and cases involving intentional misrepresentation, where the Court has upheld a sanction of disbarment. In re Brewster, 587 A.2d 1067, 1071 (Del. 1991); Matter of Childerston,

2002 WL 384440 (Del. Supr. Ct. Mar. 6, 2002). Alternatively, Respondent emphasizes the "knowing" language of the statute, as being distinct from "intentional", which provides: "[w]hoever knowingly makes any false statement or report . . . for the purpose of influencing in any way the action of . . . any institution the accounts of which are insured by the Federal Deposit Insurance Corporation . . . shall be fined not more than $1,000,000 or imprisoned not more than 30 years . . . ." 18 U.S.C. §1014; (Resp. Memo. at 6-8). This distinction is critical, since the recommendations suggested by the ABA Standards are based on the mental state that forms the basis of an attorney's misconduct—i.e., more culpable mental states generally receive more severe sanctions.[2] Specifically, under the ABA Standards, "knowledge" is defined as "the conscious awareness of the nature or attendant circumstances of the conduct but without the conscious objective or purpose to accomplish a particular result." ABA Standards Definitions (emphasis added).

Given the language of 18 U.S.C. §1014, Respondent's contention that her conduct was merely "knowing," and not "intentional," is misplaced. The federal statute under which Respondent was convicted specifically requires that Respondent's false statement be made "for the purpose of influencing ... any institution the accounts of which are insured by the Federal Deposit Insurance Corporation." Her guilty plea establishes this wrongful conduct. Respondent purposely omitted her $2.3 million liability to ensure Commerce Bank's expeditious approval of her loan application. While Respondent may not have sought to defraud Commerce Bank, she did intend to have Commerce Bank rely on the erroneous application in granting a mortgage on her new home with favorable terms. Accordingly, her mental state cannot fall within the ABA

[2]Under Standard 5.11(a) disbarment is generally appropriate when a lawyer engages in serious criminal conduct, a necessary element of which is false swearing, misrepresentation or fraud. ABA Standard 5.11(a). Conversely, under Standard 5.13, reprimand is generally appropriate when a lawyer knowingly engages in conduct that involves dishonesty, fraud, deceit, or misrepresentation. ABA Standard 5.13.

Standard's definition of "knowledge", which excludes "the conscious objective or purpose to accomplish a particular result." Rather, the statute, on its face, requires purposeful influencing of a financial institution, a mental state the Board considers in the context of this disciplinary proceeding to be substantially equivalent to intentional.

ODC relies heavily on In re Brewster and Matter of Childerston. In both cases, an attorney pled guilty to one count of bank fraud under 18 U.S.C. §1344 and was subsequently disbarred for a violation of Rule 8.4(b). Respondent attempts to distinguish In re Brewster and Matter of Childerston on the basis that both cases involved intentional fraud. Respondent argues that unlike an act of fraud—which seeks to induce another to act to his/her detriment—her false statement under 18 U.S.C. §1014 required only the making of a knowingly false statement. (Resp. Memo. at 11). Respondent suggests the level of culpability for knowingly making a false statement does not rise to the level of fraud and therefore does not warrant disbarment.

The Board does not find these distinctions significant given the analysis above and the similarities between 18 U.S.C. §1344—the statute at issue in In re Brewster and Matter of Childerston—and 18 U.S.C. §1014—the statute bearing on Respondent's case. A violation of either statute involves a misrepresentation to a financial institution with the purpose of influencing the institution's actions. A violation under either is a felony under federal law, and both are punishable by a fine of $1,000,000 or 30 years in prison, or both. See 18 U.S.C. §1344; 18 U.S.C. §1014. And any "state of mind" differentiation between §1014 and §1344 has not influenced the classification or punishment allotted to either offense, such punishment being identical. Likewise, the "state of mind" distinction between "knowing" and "intentional" does not present a meaningful distinction in this disciplinary proceeding.

Respondent also relies on In re Pankowski, 2007 WL 4245472 (Del. Supr. Ct., Dec. 5 2007). In Pankowski, the Court imposed public reprimand and suspension on an attorney who falsely notarized his client's signature on an Answer filed in the Family Court in violation of 8.4(c). Respondent contends this conduct is akin to providing false information on a loan application for the purposes of expediency. Respondent asserts that in both situations, there is no intent to defraud. The Board disagrees. Respondent's conviction under §1014 constitutes a violation of 8.4(b), not 8.4(c). In Pankowski, the attorney engaged in "conduct involving dishonesty, fraud, deceit or misrepresentation" in violation of 8.4(c), which excludes criminal acts. Respondent's felony conviction, on the other hand, falls under 8.4(b) which encompasses "a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects." While a violation of either establishes professional misconduct, a violation of 8.4(b) requires an examination of the underlying criminal conduct to determine appropriate sanctions.

VI. Sanctions

A. Standards for Imposing Sanctions

In determining the appropriate sanction for lawyer misconduct, the Supreme Court of the State of Delaware follows the ABA standards for imposing lawyer sanctions (The ABA Standards):

> The ABA framework consists of four key factors to be considered by the Court: (a) the ethical duty violated; (b) the lawyer's mental state; (c) the actual or potential injury caused by the lawyer's misconduct; and, (d) aggravating and mitigating factors.

In re Bailey, 821 A.2d 851, 866 (Del. 2003) (Internal citations omitted); see also In re Fountain, 878 A.2d 1167, 1173 (Del. 2005); In re Steiner, 817 A.2d at 793, 796 (Del. 2003).

The record establishes that Respondent's conviction under 18 U.S.C. §1014 constitutes clear and convincing evidence of violation of her ethical duties to the legal profession. Although her conduct may not have injured any specific client[3], Respondent's knowing disregard for her obvious ethical duty and her disregard for the law seriously undermines the legal profession and reflects adversely on every member of the legal profession.

B. Aggravating and Mitigating Circumstances

After misconduct has been established, aggravating and mitigating circumstances may be considered in deciding what sanction to impose. In re Bailey, 821 A.2d 851 (Del. 2003). In this case, the Board recognizes the Respondent's absence of a prior disciplinary record; the admitted violation resulted from a single instance of misconduct rather than a pattern of transgression; Respondent's cooperation with the disciplinary process; Respondent's reputation as a dedicated public servant; and, Respondent's remorse. Nonetheless, for reasons elaborated herein, the Board finds the mitigating circumstances to be unavailing.

C. Case Law Analysis

The Board's recommendation of an appropriate sanction assists the Court, but it is not binding. In re Bailey, 821 A.2d at 877. The Court "has wide latitude in determining the form of discipline, and [it] will review the recommended sanction to ensure that it is appropriate, fair and consistent with . . . prior disciplinary decisions." Id. Accordingly, prudence dictates that the Board carefully examine prior disciplinary precedent in recommending sanctions.

Respondent cites several Delaware and out-of-state opinions that address the issue of sanctions in disciplinary matters. (Resp. Memo. at 7-12). While a case-by-case examination is unnecessary, the Board makes the following observations:

[3] As noted earlier, harm was done Commerce Bank by subjecting it to a risk beyond its knowledge.

(1) Delaware Disciplinary Precedent

Respondent directs the Board's attention to the following Delaware matters: In re Thompson, 911 A.2d 373 (Del. 2006) (three-year suspension for failure to file tax returns and making false statements on certificates of compliance); In re Garrett, 835 A.2d 514 (Del. 2003) (three-year suspension for failure to file tax returns, filing false certificates of compliance, and commingling client funds); In re Gielata, 933 A.2d 1249 (Del. 2007) (reprimand for misdemeanor theft); In re Lewis-Ryan, 498 A.2d 515 (Del. 1985) (two-year probation for altering letter from state securities agency); In re Landis, 850 A.2d 291 (Del. 2004) (three-year suspension for failing to file tax returns, filing false certificates of compliance, and failing to keep adequate records of client escrow funds); In re Lassen, 672 A.2d 197 (Del. 1996) (three-year suspension for falsifying invoices to clients); and Matter of Hull, 767 A.2d 197 (Del. 2001) (two-year suspension for making false statement to Bankruptcy Court, falsifying evidence, and providing false information to Office of Disciplinary Counsel).

The Board has carefully reviewed the Delaware authority upon which Respondent relies, but it is not persuaded that a one-year suspension is the appropriate sanction. Quite apart from this unethical conduct found in the cited cases, Respondent's ethical misconduct stems from a Federal felony conviction. Respondent's criminal charge is more akin to the underlying misconduct found in In re Brewster and Matter of Childerston. In each case, an attorney provided false information to a financial institution for the purpose of influencing the institution's actions in violation of federal law. In both instances the sanction of disbarment was imposed.

(2) Out-of-State Cases

In support of Respondent's request for leniency in the sanction, Respondent points to the following out-of-state decisions: Office of Disciplinary Counsel v. Del Sol Morell, 839 A.2d 179 (Pa. 2003) (thirty-month suspension of lawyer who pled guilty to false statement to financial institution in violation of 18 U.S.C. §1014); Office of Disciplinary Counsel v. D'Aiello, 789 A.2d 203 (Pa. 2001) (two-year suspension of lawyer who pled guilty of making false loan application in violation of 18 U.S.C. §1014); Office of Disciplinary Counsel v. Obod, 817 A.2d 448 (Pa. 2003) (one-year suspension of lawyer convicted of making false statement to Securities and Exchange Commission in violation of 18 U.S.C. §1001); Attorney Grievance Comm'n of Maryland v. Greenspan, 545 A.2d 12 (Md. 1988) (six-month suspension of lawyer who falsely represented to savings and loan that he held client funds in escrow); and others.

Respondent's reliance on out-of-state cases likewise does not convince the Board that a one-year period of suspension is the appropriate sanction for her misconduct. Though certain out-of-state cases are distinguishable on their face[4], the fundamental reason to disregard the leniency seen in other states' disciplinary proceedings is this: members of the Delaware Bar are held to the highest standards of honesty and trustworthiness. In maintaining the highest possible standards for ethical conduct in the legal profession, the Supreme Court of Delaware has not, to date, condoned any Delaware lawyer continuing to practice law once convicted of a felony.[5]

[4] For example, the Pennsylvania Supreme Court, in Office of Disciplinary Counsel v. D'Aiello, imposed a two-year suspension for violations of Rule 8.4(b) and 8.4(c), after an attorney pled guilty to one felony count of False Loan Application, 18 U.S.C. §1014—the same violation at issue in the present case. The Court adopted the Disciplinary Board's report which read: "Respondent's misconduct raises serious questions concerning his character . . . . The dishonest and fraudulent nature of Respondent's conduct establishes his unfitness to practice law." Disciplinary Bd. of the Supreme Ct. of Penn. Rprt., 83 DB 2000, at 6-7 (Nov. 2, 2001). While we agree with the Pennsylvania Disciplinary Board's assessment that a lawyer's felony conviction under 18 U.S.C. §1014 establishes an unfitness to practice law, we cannot endorse Pennsylvania's sanction in view of Delaware precedent. Cases relied on by Respondent such as In re Thompson, 538 A. 2d 247 (D. C. App. 1987); In re Cerroni, 683 A. 2d 150 (D. C. App. 1996); and In re Bowser, 771 A. 2d 1002 (D. C. 2001) involved false statements on behalf of a client, not, as here, in the lawyer's own self-interest, which distinction may explain the leniency.

[5] In at least one instance, a lawyer was disbarred for egregious conduct without a felony conviction. In re Tenebaum, 918 A.2d 1109 (Del. Supr. 2007).

Panel of the Board of Professional Responsibility

BY: _____
Mark L. Reardon, Esquire, Chairman

BY: _____
Wayne J. Carey, Esquire

BY: _____
Mr. John Stafford

Dated: February 27, 2008