

IN THE SUPREME COURT OF THE STATE OF DELAWARE

|                           |                           |
|---------------------------|---------------------------|
| IN THE MATTER OF A MEMBER | §                         |
| OF THE BAR OF THE SUPREME | § No. 246, 2001           |
| COURT OF THE STATE OF     | §                         |
| DELAWARE:                 | § Board Case No. 48, 2000 |
|                           | §                         |
| KEVIN M. HOWARD,          | §                         |
|                           | §                         |
| Petitioner.               | §                         |

Submitted: June 1, 2001  
Decided: June 27, 2001

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

**ORDER**

This 27<sup>th</sup> day of June 2001, it appears to the Court that:

(1) On November 9, 2000, this Court suspended the petitioner, Kevin M. Howard, from the practice of law for a period of three years beginning on January 21, 1998.<sup>1</sup> Howard was entitled to apply to the Board on Professional Responsibility for reinstatement on or after January 20, 2001.

(2) On January 24, 2001, Howard filed with the Board a Petition for Reinstatement. The Office of Disciplinary Counsel did not oppose Howard's petition but recommended that he be reinstated subject to certain conditions. On May 8, 2001, the Board held a hearing on the matter. In a report filed on May 24, 2001, the Board found that Howard had met the standards for reinstatement

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<sup>1</sup>*In re Howard*, Del. Supr., 765 A.2d 39 (2000).

and should be reinstated subject to a three year period of public probation with conditions. The Board adopted all of the conditions for reinstatement recommended by ODC except for one. The Board specifically rejected ODC's recommendation that Howard be prohibited from engaging in solo practice upon his reinstatement. Neither Howard nor ODC filed objections to the Board's Report.

(3) The Court has reviewed the Board's Report and Recommendations carefully. The Court has determined that the Board's Report and Recommendations should be adopted.

NOW, THEREFORE, IT IS ORDERED, effective immediately, that Howard be REINSTATED as a member of the Bar of this Court subject to the following conditions:

(i) Howard is subject to a three year period of probation beginning June 27, 2001 and ending June 26y, 2004.

(ii) Howard is prohibited during the probationary period from forming a professional association for the practice of law with Elizabeth K. Rodriguez.

(iii) Howard shall remain in active recovery from his substance abuse and/ or addiction(s). Howard shall self-report any

illegal drug use immediately to the ODC. This condition shall remain in effect for as long as Howard remains a member of the Delaware Bar.

(iv) During the probationary period, Howard shall have a practice monitor approved by the ODC. Howard shall meet at least monthly with his practice monitor with whom he shall discuss his work and practice. During the first year of probation, the practice monitor shall report at least monthly to the ODC to advise of Howard's compliance with the terms of his probation. During the second and third years of probation, the practice monitor shall report at least quarterly to the ODC to advise of Howard's compliance with the terms of his probation.

(v) Howard shall maintain a relationship with a member of the Lawyers' Assistance Program (not Elizabeth Rodriguez or his practice monitor). Howard shall meet at least monthly with his Lawyers' Assistance monitor and discuss his recovery and rehabilitation efforts. The monitor shall have authority to request random drug screens and shall request a drug screen if the monitor suspects illegal drug use by Howard. During the first year of

probation, the monitor shall report at least monthly to the ODC to advise of Howard's rehabilitative and recovery efforts. During the second and third years of probation, the monitor shall report at least quarterly to the ODC to advise of Howard's rehabilitative and recovery efforts.

(vi) Howard must cooperate fully with the ODC in its efforts to monitor compliance with the probation. Howard shall cooperate with the ODC's investigation of any allegations of unprofessional conduct which may come to the attention of the ODC. Upon request of the ODC, Howard shall provide authorization for release of information and documentation to verify compliance with the terms of his probation.

BY THE COURT:

s/ Joseph T. Walsh  
Justice