

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF A	§
MEMBER OF THE BAR OF	§ No. 250, 2003
THE SUPREME COURT OF	§
DELAWARE:	§ Board on Professional Responsibility
	§ Case No. 14, 2000
KENNETH E. FINK,	§
	§
Respondent.	§

Submitted: May 13, 2003

Decided: June 3, 2003

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

**ORDER**

This 3<sup>rd</sup> day of June 2003, upon consideration of the parties' Stipulation of Disbarment by Consent, it appears to the Court that:

(1) On March 7, 2000, the respondent, Kenneth E. Fink, was suspended from the practice of law on an interim basis based on the Court's finding that Fink had diverted client funds to his personal use. During the course of its investigation of Fink's purported theft of client funds, the Delaware Department of Justice executed a search warrant of Fink's computer files and discovered a total of 194 visual depictions of children engaged in prohibited sexual acts.

(2) The State charged Fink, in two separate indictments, with four counts of felony theft resulting from the conversion of client funds and with

fifteen counts of felony possession of child pornography and fifteen counts of felony unlawful dealing in material depicting a child engaging in a prohibited sexual act. In March 2002, Fink was tried on the latter thirty felony counts and was convicted by a Superior Court jury of all thirty charges. The Superior Court sentenced Fink to eight years at Level V incarceration to be followed by 35 years of probation. This Court affirmed Fink's convictions and sentences on direct appeal.<sup>1</sup> Fink was separately tried on the four felony theft counts. The jury was unable to reach a unanimous verdict, and the Superior Court granted Fink's motion for a judgment of acquittal.

(3) Given his convictions of serious crimes that reflect on his fitness as a lawyer,<sup>2</sup> Fink, through his counsel, and the Office of Disciplinary Counsel have signed and submitted for the Court's approval a stipulation seeking Fink's disbarment from the practice of law without further proceedings. Having considered the parties' stipulation and the circumstances of this case, the Court concludes that the stipulation to disbarment by consent should be accepted. Fink's misconduct clearly is serious enough to warrant disbarment without further proceedings.

---

<sup>1</sup> *Fink v. State*, 817 A.2d 781 (Del. 2003).

<sup>2</sup> DEL. L.R. PROF. COND. 8.4(b).

NOW, THEREFORE, IT IS ORDERED that Kenneth E. Fink is hereby DISBARRED from the practice of law in Delaware. His name shall be stricken immediately from the roll of attorneys licensed to practice before the Courts of this State. The Office of Disciplinary Counsel shall disseminate this Order in accordance with Rule 14 of the Delaware Lawyers' Rules of Disciplinary Procedure.

BY THE COURT:

/s/ E. Norman Veasey  
Chief Justice