

0IN 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 § Nos. 434, 2001 and
DELAWARE: § 152, 2002
§
W. LEE AUTMAN, JR. §

Submitted: May 6, 2002

Decided: June 3, 2002

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

ORDER

This 3rd day of June 2002, it appears to the Court that:

(1) The two matters pending before the Court involve separate petitions for discipline against W. Lee Autman, Jr., Esquire. A panel of the Board on Professional Responsibility (the Board) issued a report dated September 4, 2001 accepting a stipulation signed by the Office of Disciplinary Counsel (ODC) and Autman. In the stipulation, Autman admitted certain violations of the Delaware Lawyers' Rules of Professional Conduct (DLRPC). As a result of those violations, the panel recommended that Autman be publicly reprimanded and placed on probation for two years. The panel's report was filed with this Court in case No. 434, 2001. Autman, through his counsel, and the ODC advised the Court there were no objections to the panel's report. On October 18, 2001, we stayed further proceedings in case No. 434, 2001 until the

resolution of other disciplinary charges against Autman pending before another panel of the Board.

(2) On March 22, 2002, the second panel of the Board filed its report and recommendation in case No. 152, 2002. In that case, the panel found numerous violations of Autman's professional duties, including: lack of competence in client affairs, failure to maintain proper financial records, failure to file tax returns, and dishonest conduct in representations made to a governmental agency and to this Court on his Annual Registration Statement.

The panel recommended that Autman be suspended from the practice of law for three years. The ODC has indicated it has no objections to the panel's report. Counsel for Autman, however, advised the Court on April 11, 2002 that he could not take a position on Autman's behalf with regard to the panel's report because he had not received any directive from Autman on how to proceed. Previously, on March 13, 2002, counsel had filed a motion to withdraw in case No. 434, 2001 because he and Autman could not agree on the scope and nature of counsel's continued representation in that matter.

(3) The Clerk of this Court directed Autman to respond to his counsel's position in both cases. Autman failed to respond to either of the Court's directives. Accordingly, the Court finds that Autman's counsel should

be permitted to withdraw in both pending matters. Moreover, given Autman's failure to respond to his former counsel or to this Court, we deem Autman to have waived his right to file objections to the panel's report and recommendation in case No. 152, 2002.

(4) The Court has considered these matters carefully. We accept the respective panels' findings of fact in both matters. Furthermore, given Autman's many and serious violations of his professional duties, his knowing misconduct, the risk of serious injury created by his misconduct, his pattern of misconduct, and his significant prior disciplinary record, we find the panel's recommendation in case No. 152, 2002, consisting of a three year suspension, to be appropriate.

NOW, THEREFORE, IT IS ORDERED that:

(i) The panels' findings of fact are hereby ACCEPTED. Copies of both reports are attached hereto. Autman shall be suspended from the practice of law for a period of three years beginning June 17, 2002 and ending upon his reinstatement for which application may be made on or after June 16, 2005.

(ii) During the period of suspension, Autman shall conduct no act directly or indirectly constituting the practice of law, including the sharing or receipt of any legal fees. Autman also shall 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.

(iii) The ODC shall file a petition in the Court of Chancery for the appointment of a receiver for Autman's law practice.

(iv) Autman shall assist the Receiver in following the directives of Rules 21 and 23 of the Delaware Lawyers' Rules of Disciplinary Procedure.

(v) The Receiver shall make such arrangements as may be necessary to protect the interests of any of Autman's clients.

(vi) Autman shall pay the costs of these disciplinary proceedings.

(vii) These matters are hereby CLOSED. The ODC shall disseminate this Order in accordance with Rule 14 of the Delaware Lawyers' Rules of Disciplinary Procedure.

BY THE COURT:

s/Joseph T. Walsh
Justice