

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 § No. 543, 2001
DELAWARE: §
§ Board Case Nos. 45, 2000
JOHN R. HINER, JR. § and 4, 2001

Submitted: March 25, 2002

Decided: May 2, 2002

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

ORDER

This 2nd day of May 2002, it appears to the Court that:

(1) This is a lawyer disciplinary proceeding. The Office of Disciplinary Counsel filed a petition for discipline against the respondent, John Hiner, alleging numerous violations of Hiner's professional duties, including: failing to file tax returns and pay taxes; failing to maintain proper books and records; making false certifications to this Court on the annual lawyer registration statement; and failing in his representation of a client by failing to represent the client diligently, failing to deliver the client's file upon request, failing to deliver the client's funds, and failing to provide the client an appropriate written fee agreement.

(2) Hiner did not respond to the ODC's petition. Accordingly, pursuant to Rule 9(d) of the Delaware Lawyers' Rules of Disciplinary Procedure, the charges contained in the ODC's petition were deemed admitted. On May 23, 2001, a panel of

the Board on Professional Responsibility held a hearing to determine the appropriate sanction to recommend to this Court.

(3) On October 26, 2001, the Board on Professional Responsibility filed a report with this Court recommending that Hiner be suspended for a period of three years, notwithstanding ODC's contention that Hiner should be disbarred or, at least, suspended for five years. The ODC has filed objections to the Board's recommendation. Hiner did not file any objections to the Board's report, nor did he file a response to the ODC's objections despite being given the opportunity to do so.

(4) The Court has considered the matter carefully. We find the Board's recommendation of a three year suspension to be appropriate. We therefore accept the Board's findings and recommendation for discipline.

NOW, THEREFORE, IT IS ORDERED that:

(i) The Board's report and recommendation is hereby ACCEPTED and is attached hereto. Hiner shall be suspended from the practice of law for a period of three years beginning May 6, 2002 and ending upon his reinstatement for which application may be made on or after May 5, 2005.

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

fees. Hiner 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 Hiner's law practice.

(iv) Hiner 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 Hiner's clients.

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

(vii) This matter is 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