

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF A MEMBER §
OF THE BAR OF THE SUPREME § No. 389, 2005
COURT OF THE STATE OF §
DELAWARE: § Board Case Nos. 61, 2003 and
§ 6, 2005
H. CUBBAGE BROWN, JR., ESQ., §
§
Respondent. §

Submitted: September 20, 2005
Decided: October 18, 2005

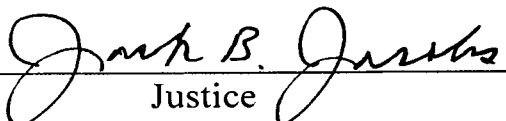
Before **BERGER, JACOBS**, and **RIDGELY**, Justices.

ORDER

This 18th day of October 2005, it appears to the Court that the Board on Professional Responsibility has filed its Report in this matter pursuant to Rule 9(d) of the Delaware Lawyers' Rules of Disciplinary Procedure. Neither the Respondent nor the Office of Disciplinary Counsel has filed objections to the Board's Report. The Court has reviewed the matter pursuant to Rule 9(e) and concludes that the Board's Report should be approved.

NOW, THEREFORE, IT IS ORDERED that the Report of the Board on Professional Responsibility filed on August 24, 2005 (copy attached) is hereby APPROVED. The matter is hereby CLOSED.

BY THE COURT:


Justice

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BOARD ON PROFESSIONAL RESPONSIBILITY
OF THE
SUPREME COURT OF THE STATE OF DELAWARE

In the Matter of a Member
of the Bar of the State of Delaware

CONFIDENTIAL

H. CUBBAGE BROWN, JR.,
Respondent.

: Board Case No. 61, 2003 and
No. 6, 2005

NO. 389, 2005

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REPORT OF THE BOARD ON PROFESSIONAL RESPONSIBILITY

The Panel of the Board on Professional Responsibility appointed to hear this matter consisted of Elizabeth M. McGeever, Esquire, James H. Geer, and David J. Ferry, Jr., Esquire, Chair. A hearing was held in the Supreme Court Courtroom in Wilmington, Delaware, on Friday, June 3, 2005. The Office of Disciplinary Counsel ("ODC") was represented by Patricia Bartley Schwartz, Esquire and Mary Susan Much, Esquire, and Respondent, H. Cubbage Brown, Jr., Esquire, was represented by Charles Slanina, Esquire. A Prehearing Stipulation and Joint Recommendation of Sanction was filed with the Board on that date. Part I of the Stipulation contained 29 admitted facts and violations. Part II of the Stipulation contained a statement of three aggravating factors and four mitigating factors. Part III of the Stipulation contained joint recommendations of sanction with conditions.

BACKGROUND

A petition for discipline was filed against the respondent by the ODC on March 2, 2005. The petition for discipline was approved by a Panel of the Preliminary Review Committee. The petition alleged

a total of twelve violations of the Delaware Lawyers' Rules of Professional Conduct ("the Rules") as follows:

COUNT ONE BROWN FAILED TO GET WRITTEN CONSENT TO WAIVE THE CONFLICT OF INTEREST IN VIOLATION OF RULE 1.7

Rule 1.7 provides that a "lawyer shall not represent a client if . . . the representation of one client will be directly adverse to another client" unless "the lawyer reasonably believes the representation will not adversely affect the relationship with the other client . . . each affected client gives informed consent, confirmed in writing."

By failing to get written consent from the Sellers and Dooling prior to the settlement, Brown violated **Rule 1.7**.

COUNT TWO BROWN FAILED TO MAKE REASONABLE EFFORTS TO ENSURE EFFECTIVE MEASURES WERE IN PLACE IN VIOLATION OF RULE 5.1

Rule 5.1(c)(2), which states, in part, "a lawyer shall be responsible for another lawyer's violation of the Rules of Professional Conduct if . . . the lawyer is a partner . . . and knows of the conduct at the time when its consequences can be avoided or mitigated but fails to take reasonable remedial action."

By failing to ensure that Chasanov instituted the corrective measures outlined in their correspondence to the ODC, Brown violated **Rule 5.1(c)(2)**.

COUNT THREE BROWN KNOWINGLY MADE A FALSE STATEMENT OF MATERIAL FACT IN VIOLATION OF RULE 8.1.

Rule 8.1 provides that in connection with a disciplinary matter a lawyer "shall not (a) knowingly make a false statement of material fact."

By knowingly misrepresenting the status of the conflict system to the ODC, Brown violated **Rule**

8.1.

COUNT FOUR BROWN ENGAGED IN CONDUCT INVOLVING DISHONESTY, FRAUD, DECEIT OR MISREPRESENTATION IN VIOLATION OF RULE 8.4(c).

Rule 8.4(c) states that it is professional misconduct for a lawyer to “engage in conduct involving dishonesty, fraud, deceit or misrepresentation.”

By misrepresenting the status of the conflict system to the ODC and by failing to implement the conflict system as purported, Brown engaged in conduct involving dishonesty, fraud, deceit or misrepresentation in violation of **Rule 8.4(c)**.

COUNT FIVE BROWN ENGAGED IN CONDUCT PREJUDICIAL TO THE ADMINISTRATION OF JUSTICE IN VIOLATION OF RULE 8.4(d)

Rule 8.4(d) provides that it is professional misconduct for a lawyer to “engage in conduct that is prejudicial to the administration of justice.

By misrepresenting the status of the conflict system to the ODC and by failing to implement the conflict system as purported, Brown engaged in conduct that was prejudicial to the administration of justice in violation of **Rule 8.4(d)**.

COUNT SIX BROWN FAILED TO IDENTIFY AND SAFEGUARD CLIENT FUNDS IN VIOLATION OF RULE 1.15(a)

Rule 1.15(a) requires that a lawyer holding the property of clients or third persons shall identify and appropriately safeguard such property, and shall maintain complete records of such property for a period of five years after the completion of the events that they record.

By failing to maintain client listings and a client subsidiary ledger for the Dover account from August 2002 through January 2004, such that he would be able to determine to whom and what amounts of

moneys were owed and by failing to safeguard clients funds and such failure resulted in the theft of \$140,000.00 by Kaiser, Brown violated **Rule 1.15(a)**.

COUNT SEVEN BROWN FAILED TO PROMPTLY DELIVER TO THE CLIENTS FUNDS THEY WERE ENTITLED TO RECEIVE

Rule 1.15(b) states that “a lawyer shall promptly deliver to the client or third person any funds or other property that the client or third person is entitled to receive and, upon request by the client or third person, shall promptly render a full accounting regarding such property.”

By failing to promptly distribute funds from the Dover account to clients for the period June 2003 through January 2004, Brown violated **Rule 1.15(b)**.

COUNT EIGHT BROWN FAILED TO MAINTAIN BOOKS AND RECORDS

Rule 1.15(d) sets forth detailed and specific requirements for the maintenance of attorneys’ books and records including requirements applicable to “all fiduciary and real estate escrow accounts.”

By failing to maintain the books and records of the Dover office from August 2002 through January 2004; failing to maintain client listings and a client subsidiary ledger for the Dover account; failing to promptly disburse funds from the Dover account; and failing to cover negative client balances in the Dover account, Brown violated **Rule 1.15(d)**.

COUNT NINE BROWN FAILED TO ENSURE COMPLIANCE WITH THE RULES OF PROFESSIONAL RESPONSIBILITY IN VIOLATION OF RULE 5.1

Rule 5.1(c)(2), which states, in part, “a lawyer shall be responsible for another lawyer’s violation of the Rules of Professional Conduct if the lawyer . . . has managerial authority in the law firm in which the other lawyer practices . . . and knows of the conduct at the time when its consequences can be avoided or mitigated but fails to take reasonable remedial action.”

As managing partner, by failing to ensure that the books and records of the Georgetown office were being maintained in accordance with the Rules and that all deficiencies were swiftly eliminated, Brown violated Rule 5.1(c)(2).

COUNT TEN BROWN FAILED TO SUPERVISE NON-LAWYER ASSISTANTS IN VIOLATION OF RULE 5.3

Rule 5.3 states that in employing non-lawyer assistants, “a partner in a law firm shall make reasonable efforts to ensure that the firm has...measures giving reasonable assurance that the person’s conduct is compatible with the professional obligations of the lawyer; a lawyer having direct supervisory authority over a non-lawyer shall make reasonable efforts to ensure that the person’s conduct is compatible with the professional obligations of the lawyers; and a lawyer shall be responsible for conduct of such a person that would be a violation of the rules of professional conduct if engaged in by the lawyer if the lawyer...ratifies the conduct; or if the lawyer is a partner in the law firm...or has direct supervisory authority over the person, and knows of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action.”

By failing to supervise those employees in the Dover office in 2002 through 2004 who were responsible for maintaining the Firm’s books and records in accordance with the Rules, and by failing to supervise Ms. Kaiser’s conduct, Brown violated **Rule 5.3**.

COUNT ELEVEN BROWN ENGAGED IN CONDUCT INVOLVING DISHONESTY, FRAUD, DECEIT OR MISREPRESENTATION

Rule 8.4(c) provides that it is professional misconduct for a lawyer to “engage in conduct involving dishonesty, fraud, deceit or misrepresentation.”

By filing with the Court, Certificates of Compliance for 2001, 2002, and 2003, each of which

contained inaccurate representations to the Court regarding the status of the Dover office's books and records, Brown violated **Rule 8.4(c)**.

**COUNT TWELVE BROWN ENGAGED IN CONDUCT PREJUDICIAL TO THE
ADMINISTRATION OF JUSTICE**

Rule 8.4(d) provides that it is professional misconduct for a lawyer to “engage in conduct that is prejudicial to the administration of justice.” The Delaware Supreme Court relies upon the representations made by attorneys in the Certificates of Compliance filed with their Annual Registration Statements each year in the administration of justice governing the practice of law in Delaware.

By filing with the Court, Certificates of Compliance for 2001, 2002, and 2003, each of which contained inaccurate representations to the Court relating to the Dover office's books and records and his status as managing partner, Brown violated **Rule 8.4(d)**.

I. ADMITTED FACTS AND VIOLATIONS

The admitted facts and violations, taken from the Stipulation, are set forth herein as follows:

1. Brown is a member of the Bar of the Supreme Court of Delaware. He was admitted to the Bar in 1975. At all times relevant to this Petition for Discipline, Brown was engaged in the private practice of law as a partner in the firm of Brown, Shiels, Beauregard & Chasanov (the “Firm”), with offices in Dover, Georgetown and Rehoboth Beach, Delaware.

2. Delaware lawyers are obliged to file an annual registration statement with the Supreme Court of Delaware (the “Court”). Said registration statement includes a Certificate of Compliance, by which a lawyer, or managing partner on behalf of the firm, certifies to the Court that the firm is properly maintaining books and records in compliance with the specific requirements of the Rules. The Court expects that

lawyers completing the Certificate of Compliance will undertake the appropriate review and inquiry into matters involving their law practice books and records and their tax obligations, so as to enable them accurately to answer all of the items identified on the Certificate.

3. Brown was managing partner of the Firm in 2001 and is so designated on the Certificate of Compliance filed by the Firm in that year. Brown also signed the Certificate of Compliance as the Firm's managing partner in the years 2002 and 2003, although he was not, in fact, the managing partner in those years. Brown was, however, the attorney responsible for the books and records in the Dover office at all times relevant to this Petition.

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4. Based on a complaint received by the ODC in 2000, it was agreed with the ODC that the Firm would institute a firm-wide integrated conflicts system that would include all three offices.

5. The Firm failed to implement such a system.

6. This failure was indicative of the Firm's inability to manage the three offices as a unified Firm.

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7. In December 2003, the Firm reported to ODC that Christy Kaiser, an employee, had embezzled approximately \$140,000 from the Dover office's real estate escrow account ("Dover account"). Although the Firm has three offices, the Georgetown office and the Dover office maintain separate real estate escrow accounts.

8. On January 8 and 20, 2004, Joseph McCullough, an auditor for the Lawyers' Fund for Client Protection, conducted an audit of the Dover office's financial books and records. Mr. McCullough conducted follow-up audits on July 28, October 20, and December 27, 2004 which culminated in the issuance of a written report.

9. At the January 2004 audits, Mr. McCullough was advised that Ms. Kaiser reported directly to Brown. One of her duties was to reconcile the Dover account each month. Each month, she would tell Brown that the Dover account was being timely reconciled. Brown did not personally see or review the monthly reconciliations for the Dover account.

10. In the summer of 2003, Ms. Kaiser was behind approximately three to four months in performing the monthly reconciliations of the Dover account, and Brown instructed Kim Dawson, another employee of the Firm, to assist her. On a few occasions, Ms. Dawson noticed a few negative balances in the client sub-ledgers and asked Ms. Kaiser to review the files and make the appropriate corrections. Ms. Kaiser told Ms. Dawson that the balances had been corrected and there was not a follow up review by Brown to determine how Ms. Kaiser corrected the negative balances.

11. During his audit, Mr. McCullough determined that the theft of funds began in August 2002 and continued until October 2003, when it was discovered "by accident." The Firm received a call from another attorney in Dover whose client owned a store where Ms. Kaiser routinely cashed numerous checks drawn on the Dover account. Ms. Kaiser was making false deposit entries to cover the negative balances in the client ledgers caused by her thefts. Ms. Kaiser wrote checks to herself and altered the client's file so that the money would be charged to the client's real estate settlement. Some of the false deposits were not timely recorded and some of the client negative balances existed for significant periods of time.

12. The January 30, 2003 bank reconciliation report shows numerous negative client balances and the check register balance was not in agreement with the client balances report. The client balances report showed a balance of \$1,036,933.13 and the bank reconciliation showed a balance of \$1,497,708.33. Mr. McCullough concluded that the thefts would have been discovered if Brown had reviewed the January 30, 2003 report.

13. As of January 2004, there were approximately 150 stale checks (over six months old)

outstanding in the Dover account. Overall, the Dover account had approximately 2,000 outstanding checks totaling more than \$11,000,000. The Firm was missing numerous canceled checks in the real estate files and was in the process of contacting the bank to retrieve copies of the checks in order to update the bank reconciliations. Mr. McCullough told Brown that he needed to deposit personal or firm funds in the Dover account to cover the \$140,000 theft and that the firm needed to complete the bank reconciliations for the calendar year 2003.

14. At the request of ODC, Mr. McCullough performed a follow up audit on July 28, 2004. At that time, Brown informed McCullough that Kaiser pled guilty to those theft charges and received a sentence of probation. She was also required to make restitution to the Firm. The Firm received \$100,000 from their insurance company and those funds were deposited into the Dover account.

15. The July 2004 McCullough audit revealed that the bank reconciliations were not completed.

16. McCullough conducted a follow up audit on October 20, 2004. He found that the remaining negative balance due to the theft had been corrected with the deposit of personal or Firm funds.

17. A final audit on May 23, 2005, found the Dover books and records to be in compliance.

**COUNT SIX BROWN FAILED TO IDENTIFY AND SAFEGUARD CLIENT
FUNDS IN VIOLATION OF RULE 1.15(a)**

18. **Rule 1.15(a)** requires that a lawyer holding the property of clients or third persons shall identify and appropriately safeguard such property, and shall maintain complete records of such property for a period of five years after the completion of the events that they record.

19. By failing to maintain client listings and a client subsidiary ledger for the Dover account from August 2002 through January 2004, such that he would be able to determine to whom and what amounts of moneys were owed and by failing to safeguard clients funds and such failure resulted in the theft of

\$140,000.00 by Kaiser, Brown violated **Rule 1.15(a)**.

COUNT SEVEN

BROWN FAILED TO PROMPTLY DELIVER TO THE CLIENTS FUNDS THEY WERE ENTITLED TO RECEIVE

20. **Rule 1.15(b)** states that “a lawyer shall promptly deliver to the client or third person any funds or other property that the client or third person is entitled to receive and, upon request by the client or third person, shall promptly render a full accounting regarding such property.”

21. By failing to promptly distribute funds from the Dover account to clients for the period June 2003 through January 2004, Brown violated **Rule 1.15(b)**.

COUNT EIGHT

BROWN FAILED TO MAINTAIN BOOKS AND RECORDS

22. **Rule 1.15(d)** sets forth detailed and specific requirements for the maintenance of attorneys’ books and records including requirements applicable to “all fiduciary and real estate escrow accounts.”

23. By failing to maintain the books and records of the Dover office from August 2002 through January 2004; failing to maintain client listings and a client subsidiary ledger for the Dover account; failing to promptly disburse funds from the Dover account; and failing to cover negative client balances in the Dover account, Brown violated **Rule 1.15(d)**.

COUNT TEN

BROWN FAILED TO SUPERVISE NON-LAWYER ASSISTANTS IN VIOLATION OF RULE 5.3

24. **Rule 5.3** states that in employing non-lawyer assistants, “a partner in a law firm shall make reasonable efforts to ensure that the firm has...measures giving reasonable assurance that the person’s conduct is compatible with the professional obligations of the lawyer; a lawyer having direct supervisory

authority over a non-lawyer shall make reasonable efforts to ensure that the person's conduct is compatible with the professional obligations of the lawyers; and a lawyer shall be responsible for conduct of such a person that would be a violation of the rules of professional conduct if engaged in by the lawyer if the lawyer...ratifies the conduct; or if the lawyer is a partner in the law firm...or has direct supervisory authority over the person, and knows of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action."

25. By failing to supervise those employees in the Dover office in 2002 through 2004 who were responsible for maintaining the Firm's books and records in accordance with the Rules, and by failing to supervise Ms. Kaiser's conduct, Brown violated **Rule 5.3**.

**COUNT ELEVEN BROWN ENGAGED IN CONDUCT INVOLVING
DISHONESTY, FRAUD, DECEIT OR MISREPRESENTATION**

26. **Rule 8.4(c)** provides that it is professional misconduct for a lawyer to "engage in conduct involving dishonesty, fraud, deceit or misrepresentation."

27. By filing with the Court, Certificates of Compliance for 2001, 2002, and 2003, each of which contained inaccurate representations to the Court regarding the status of the Dover office's books and records, Brown violated **Rule 8.4(c)**.

**COUNT TWELVE BROWN ENGAGED IN CONDUCT PREJUDICIAL TO
THE ADMINISTRATION OF JUSTICE**

28. **Rule 8.4(d)** provides that it is professional misconduct for a lawyer to "engage in conduct that is prejudicial to the administration of justice." The Delaware Supreme Court relies upon the representations made by attorneys in the Certificates of Compliance filed with their Annual Registration Statements each year in the administration of justice governing the practice of law in Delaware.

29. By filing with the Court, Certificates of Compliance for 2001, 2002, and 2003, each of which contained inaccurate representations to the Court relating to the Dover office's books and records and his status as managing partner, Brown violated **Rule 8.4(d)**.

II AGGRAVATING FACTORS

The ODC and Brown stipulate that the following aggravating factors exist in this disciplinary matter:

(1) Brown engaged in a pattern of misconduct. He failed to maintain his law office books and records in accordance with the Rules from August 2002 through January 2004. He failed to supervise his employee bookkeeper from August 2002 through January 2004. And he failed to accurately represent the status of his books and records and his status as managing partner of the Firm on his Certificates of Compliance filed with the Court for 2001, 2002, and 2003. [Standard § 9.22(c)];

(2) Brown engaged in multiple offenses - six Rules violations. [Standard § 9.22(d)]; and

(3) Brown has substantial experience in the practice of law. [Standard § 9.22(i)].

III MITIGATING FACTORS

ODC and Brown stipulate that the following mitigating factors apply in this disciplinary matter:

(1) Brown has no prior disciplinary record [Standard § 9.32(a)];

(2) Brown has made efforts to rectify the consequences of his misconduct including: (a) payment of the difference between the Firm's insurance coverage and the amount of the employee theft; (b) instituting remedial measures to correct the deficiencies in the Dover office's books and records including the retention of an independent CPA and obtaining additional computer software and consulting with Richard Herrmann, Esquire with regard to the implementation of computerized conflicts screening; and (c)

agreeing to dissolve the Firm. [Standard § 9.32(d)]; and

(3) Brown is cooperating with ODC and in this proceeding before the Board. [Standard § 9.32(e)];

(4) Brown has recognized the wrongfulness of his conduct, as evidenced by his admissions to all applicable allegations made and the violations charged in the Petition for Discipline [Standard § 9.32(1)].

The Panel hereby incorporates the aggravating and mitigating factors set forth in Part II of the Stipulation in their entirety.

STATEMENT OF FACTS

Mr. Brown testified that he has been a member of the Delaware Bar since 1975. He has been employed since his admission to the Bar by the Brown, Shiels firm which was started by his father, Herman C. Brown, in 1950. He indicated that Mr. Chasanov came along as a partner and opened a Georgetown office in the 1970's. Mr. Brown's practice is in the areas of real estate, domestic relations, bankruptcy and civil litigation. He was a managing partner of the firm and managed the Dover office. He participated in preparing an employee handbook for the firm. He indicated there was separate management of the other two offices of the firm in Georgetown and Rehoboth. He indicated that an auditor had checked accounts of the firm and he thought everything was in good order and relied upon his staff. He indicated that his plan in the future is to dissolve the existing firm and that he and Mr. Shiels will start a new firm practicing in Dover only. He will, for the time being, continue as the managing partner, but Mr. Shiels will take over as partner after that time. The new office will be a new partnership which will include himself, Mr. Shiels and three associates who will form the new firm.

Mr. Brown indicated that this action has been a very significant embarrassment. He now plans to pay much more attention to the management of the firm. He indicated that he did not have a real advisor before, but has one now. He expects to be pro-active and will delegate matters differently and will regularly want to see reconciliations of the firms accounts. He indicated that these charges have developed because of theft by a real estate paralegal in the firm. He indicates that the firm has had to review everything she did for the past two years. He confirmed that some of their problem has been not coming into the computer age too quickly and not having networked computers. He will now have the computers networked and he will accept responsibility for the problems and assured the Board and the Court that these problems would not happen again.

VIOLATIONS

The Panel finds that the Respondent violated Rule 1.15(a), Rule 1.15(b), Rule 1.15(d), Rule 5.3, Rule 8.4(c), and Rule 8.4(d). The Panel accepts the stipulated violations set forth in the Stipulation.

RECOMMENDATIONS

Upon consideration of the evidence presented, the stipulation of the parties, and the aggravating and mitigating factors set forth in the stipulation, the Panel accepts the recommendations of counsel and recommends that the respondent be publicly reprimanded for his violations of the aforesaid rules, subject to the following terms:

1. The Respondent shall have a limitation on the nature and/or extent of his practice. He will dissolve the firm and the partnership currently known as Brown, Shiels, Beauregard & Chasanov as soon as practicable, but no later than December 31, 2005.
2. If Brown is a named partner and/or a principal in a firm that has more than one office, Brown

must ensure that the conflict system in the firm is centralized in the main office and each office must be networked by computer with the main office in order to perform conflict checks. Within thirty days of such an occurrence, Brown shall file with the ODC a report by Richard Herrmann, Esquire, or an otherwise qualified individual, regarding the status of his new firm's conflicts screening mechanism, including a description of that system and whether or not it is, in fact, compliant with the above requirement.

3. If Brown is a named partner and/or a principal in a firm that has more than one office, Brown must ensure that the books and records and bank accounts encompassed by Rule 1.15 and Rule 1.15A are maintained in the main office.

Conditions

1. During the first year following the imposition of the public reprimand, on a quarterly basis (every three months), Brown shall have caused to be filed with the ODC an affidavit by a licensed certified public accountant that all of his new firm's law practice books, records and bank accounts have been maintained during the preceding quarter in full compliance with Rule 1.15. This condition shall be effective as long as Brown is a principal and/or named partner in a firm.

2. During the second year following the imposition of the public reprimand, on a semi-annual basis (every six months), Brown shall have caused to be filed with the ODC an affidavit by a licensed certified public accountant that all of his new firm's law practice books, records and bank accounts have been maintained during the preceding quarter in full compliance with Rule 1.15. This condition shall be effective as long as Brown is a principal and/or named partner in a firm.

3. During the third year following the imposition of the public reprimand, Brown shall have caused to be filed with his Certificate of Compliance a pre-certification audit by a licensed certified public

accountant with a copy to the ODC. This condition shall be effective as long as Brown is a principal and/or named partner in a firm.

4. Brown shall cooperate promptly and fully with the ODC in its efforts to monitor compliance with the conditions of the public reprimand, including, but not limited to, the following:

- (a) Brown will fully cooperate with the performance of any audit of his new firm's law practice books and records by an auditor for the Lawyers' Fund for Client Protection; and
- (b) Brown 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, Brown shall provide authorization for release of information and documentation to verify compliance with the terms of his probation.

5. If the ODC concludes, after giving Brown an opportunity to respond, that he has violated the conditions of the public reprimand, the ODC may file a petition directly with the Court to issue a Rule to Show Cause as to why additional sanctions should not be imposed for the additional violations, the violations of the conditions of the public reprimand, or both.

6. Pursuant to Procedural Rule 27, Brown shall pay the ODC's costs in this disciplinary matter promptly upon the presentation of a statement of costs by the ODC. Brown shall also pay the costs of the audits for the Dover office performed by Joseph McCullough, CPA, promptly upon the presentation of a statement of such costs.

7. Brown shall file with the ODC a report by Richard Herrmann, Esquire regarding the status of his new firm's conflicts screening mechanism, including a description of that system and whether or not it is, in fact, used.

Dated:


JAMES H. GEER

Dated:

ELIZABETH M. MCGEEVER

Dated:

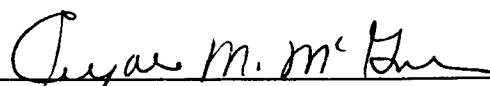
DAVID J. FERRY, JR.

Dated:

JAMES H. GEER

Dated:

8/21/05



ELIZABETH M. MCGEEVER

Dated:

DAVID J. FERRY, JR.

Dated:

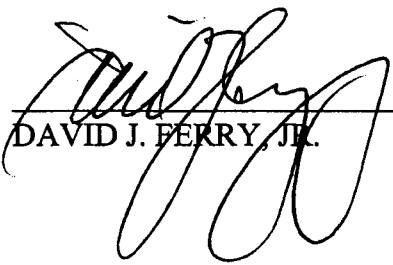
JAMES H. GEER

Dated:

ELIZABETH M. McGEEVER

Dated:

8.22.05



DAVID J. FERRY, JR.

CERTIFICATE OF SERVICE

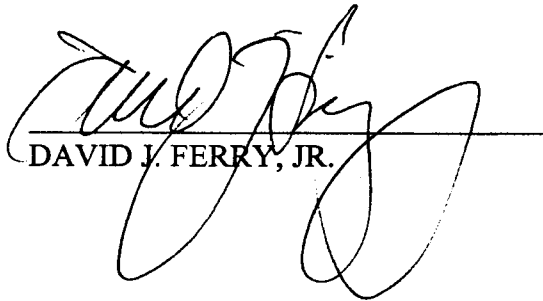
I hereby certify that a copy of the within Report of the Board on Professional Responsibility was served in the manner indicated on August 22 2005 upon the following:

BY HAND

Patricia Bartley Schwartz, Esquire
Mary Susan Much, Esquire
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BY FIRST CLASS MAIL

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DAVID J. FERRY, JR.