

DISCIPLINARY ACTION

PRIVATE ADMONITION. Supreme Court No. 328, 2009

Date: July 27, 2009

The Delaware Supreme Court has privately admonished a Delaware lawyer for the lawyer's failure to adequately perform the duties and obligations of a preceptor. The Court approved the findings of the Board of Bar Examiners ("BBE") that the lawyer did not perform adequately the duties and obligations of a preceptor pursuant to Delaware **Supreme Court Rule 52(a)** and **BBE Rule 10**. BBE Rule 10 sets forth the duties of a preceptor, which include the duty to investigate an applicant and review the application "sufficiently so as to allow the preceptor to reasonably conclude that the application is factually accurate and contains no omission of any fact required to be disclosed," and to monitor the applicant's clerkship so that the preceptor shall "have sufficient personal knowledge, or determine after a reasonable investigation, that the applicant has satisfied all clerkship requirements."

In February 2007, the lawyer agreed to serve as preceptor for an applicant and signed the Certificate of Preceptor indicating that he based his certificate on his personal knowledge. The applicant passed the bar and in October 2007, the preceptor certified that the applicant had served the requisite five month clerkship in Delaware required for admission to the Bar. During the applicant's character and fitness examination several issues arose with the application, most significantly the five-month clerkship. A subsequent investigation by the BBE revealed the "attorney and law firm" under whose supervision the applicant claims he worked during the five-month clerkship did not exist.

The lawyer apologized for his failure to investigate the applicant's background and oversee his clerkship in an adequate manner. In imposing the private admonition, the Court emphasized the language in the Certificate of Preceptor by which the lawyer had acknowledged his understanding that "the Board and the Supreme Court are relying upon my certification as preceptor and that I may be held accountable to the Supreme Court for failure to perform adequately my duties and obligations as a preceptor."