

**Matter of McCann**  
**Del. Supr. No. 381, 1997 (9/29/97)**  
**Board Case Nos. 79, 1995 and 26, 1996**

**Disciplinary Rules:** DLRPC 1.2(a), 1.3, 1.4(a), 1.16(d) and 8.1(b).

**Sanctions Imposed:** Reprimanded and two-year probation with conditions, when and if he is reinstated to practice law.

The Delaware Supreme Court has approved the findings and recommendations of a panel of the Board on Professional Responsibility (the "Board") and has ordered that Richard S. McCann, Esquire, a member of the Delaware Bar since 1964, be reprimanded and placed upon probation with various conditions for a period of two years, when and if he is reinstated to practice law. Mr. McCann has been suspended from practice since January 1, 1996.

Board Case No. 79, 1995 arose as a result of a complaint by one of Mr. McCann's former clients, Mr. William K. Williams, III, a financial consultant and executor of an estate. Mr. Williams alleged that Mr. McCann was unresponsive and unnecessarily delayed the closing of the estate. Mr. Williams also alleged that Mr. McCann was not cooperative or responsive to Mr. Williams' new attorney after Mr. Williams terminated his relationship with Mr. McCann. The Board found that Mr. McCann had violated DLRPC 1.3, which requires that an attorney handle legal matters with diligence and promptness, DLRPC 1.4(a), which requires that an attorney respond to a client's reasonable requests for information, and DLRPC 1.16(d), which requires that an attorney protect a former client's interests.

Board Case No. 26, 1996 arose as a result of a complaint by Mr. Edward M. and Ms. Martha H. Lowe, who were Mr. McCann's former clients. The Lowes had retained Mr. McCann to handle a real estate matter for them. When a title defect was discovered relating to the property, Mr. McCann held certain of the proceeds in escrow pending the possible resolution of the problem by means of an adverse possession action. Afterwards, no progress was made in the matter for a substantial period of time during which Mr. McCann was not responsive to the Lowes. He also released part of the escrowed funds without consulting with them. After the Lowes filed a complaint against Mr. McCann with the Office of Disciplinary Counsel, Mr. McCann failed to respond. The Board found that Mr. McCann had violated DLRPC 1.2 (a), which requires that an attorney abide by the client's decisions with respect to the objectives of a representation, DLRPC 1.3, which requires that

an attorney handle a client's matter with diligence and promptness, DLRPC 1.4 (a), which requires that an attorney respond to a client's reasonable requests for information, and DLRPC 8.1 (b), which requires that an attorney respond to inquiries from disciplinary authorities.

As a sanction for these findings, the Board recommended that Mr. McCann be reprimanded and that, when and if he is reinstated to practice law, he be placed on probation for a period of two years, conditioned upon monitoring of his law practice and his taking of additional continuing legal education courses in law office management. He is also responsible for the costs of the disciplinary proceedings. Mr. McCann had been publicly disciplined several times previously, including the recent one-year suspension from practice.