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October 24, 2022

VIA CERTIFIED, REGULAR, AND ELECTRONIC MAIL

Robert A. Wills
1906 Luke Drive
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amicus1946@aol.com

Re: In the Matter of Robert A. Wills
Docket No. DRB 22-138
District Docket No. VIII-2020-0026E
LETTER OF ADMONITION

Dear Mr. Wills:

The Disciplinary Review Board reviewed your conduct in the above-referenced matter and concluded that it was improper. Following a review of the record, the Board determined to impose an admonition for your violation of RPC 1.1(a) (gross neglect); RPC 1.3 (lack of diligence); RPC 1.4(b) (failure to communicate with a client); and RPC 1.4(c) (failure to explain a matter to a client to the extent reasonably necessary).

Specifically, on October 2, 2005, you were retained to represent John H. Wilson, Jr. and Donald Casper (deceased),¹ for the provision of legal services in connection with the sale of their residential real estate. At the time of the closing,

¹ Donald Casper died prior to the real estate closing and his wife, Christina, succeeded him.

title to the property had not been cleared and, thus, the title company required the sellers (Wilson and Casper) to reserve \$10,000 of the sale proceeds in escrow. Pursuant to the terms of the escrow agreement, the title company agreed to hold the money until the four exceptions to clear titled had been resolved. If, after one year, the exceptions were not cleared, the escrow agreement permitted the title company to take any necessary steps to clear title, without notice to the sellers, at the sellers' expense.

Thereafter, you undertook to represent Wilson and Casper to clear the four items that precluded clear title and, within thirteen months, resolved three of those items. However, you failed to resolve the fourth exception – a discharge of an outstanding mortgage – despite your repeated promises to complete the work.

Having agreed to represent Casper and Wilson post-closing and, having undertaken affirmative steps to remove the exceptions to clear title pursuant to that representation, you had an ethical obligation to promptly complete the work. Instead, for nearly a decade, between 2007 and 2017, you failed to take any significant steps to resolve the discharge of mortgage that continued to blemish title to the property. Your misconduct deprived your clients, for fifteen years, of the funds that remained in escrow pending clear title. Further, your misconduct deprived the buyer of clear title to his property. Thus, the Board determined, as the DEC found, that you violated RPC 1.1(a) and RPC 1.3.

The Board also determined, as did the DEC, that you violated RPC 1.4(b) and RPC 1.4(c). Specifically, over the course of your lengthy representation, you failed keep your clients reasonably informed about the status of the matter by not disclosing to them your lack of any meaningful progress toward obtaining clear title. Importantly, the record lacked any written correspondence or documentation, between December 2007 and late 2017, that would evidence any communication between you and your clients, or your performance of substantive work in furtherance of your representation. Moreover, despite the onset of your health problems in 2012 which you asserted interfered with your ability to practice law, you continued to act as Casper's and Wilson's counsel, despite performing no work on their behalf.

You disregarded your clients until 2017, twelve years after the closing, when you eventually obtained the assistance of another attorney. The new attorney, who ultimately was hired by the title company, successfully resolved

the remaining title exception, and obtained and filed a discharge of the mortgage. Once that occurred, in 2020, fifteen years after the funds had been deposited in escrow, the title company returned the escrow funds to Wilson, minus nearly \$5,000 in legal fees incurred by the title company's attorney.

In imposing only an admonition, the Board accorded considerable mitigating weight to your lack of discipline in nearly forty years at the bar. Based upon your admitted health concerns and the resulting impact on your ability to perform your duties as a lawyer, the Board requires, as a condition to your continued practice, that you provide to the OAE proof of your fitness to practice law, as attested to by a medical doctor approved by the OAE. Proof of such fitness is required within sixty days of the date of this letter.

Your conduct has adversely reflected not only on you as an attorney but also on all members of the bar. Accordingly, the Board has directed the issuance of this admonition to you. R. 1:20-15(f)(4).

A permanent record of this occurrence has been filed with the Clerk of the Supreme Court and the Board's office. Should you become the subject of any further discipline, this admonition will be taken into consideration.

The Board also has directed that the costs of the disciplinary proceedings be assessed against you. An invoice of costs will be forwarded to you under separate cover.

Very truly yours,

/s/ Timothy M. Ellis

Timothy M. Ellis
Acting Chief Counsel

TME/res

c: See attached list

Chief Justice Stuart Rabner

Associate Justices

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John Wilson, Jr., Grievant (regular mail)

Patricia Wilson, Grievant (regular mail)