

Professional Discipline Digest

VOLUME 28 NUMBER 4 | BY JOHN MORRIS

Presentment ordered for violation of Rule 3.3(a)(1) of the rules for misrepresentation because of a failure to supplement her grievance response to acknowledge a court order for her removal as conservator. Further found the Respondent violated Rule 8.4(4) by failing to diligently pay the conserved person's bills exposing the conserved person to shut off notices and potential eviction. #18-0150, #18-0162, *Cathy & Christine Schwartz vs. Stephanie E. Czap* (8 pages, 8 pages).

Agreed disposition to a violation of Rule 4.4(a). Respondent shall take six credit hours of continuing legal education—three in ethics and three in real estate law—within nine months of disposition. Respondent shall provide the committee with a complete CLE Log (Form JD-CE-1) by January 31. #18-0042, *Joann Price vs. Elizabeth Kopec* (11 pages).

Agreed disposition of the disciplinary sanction of reprimand for violations of Rules 1.2(c), 1.5(b), 1.4(a)(2), 1.4(a)(3), and 1.4 (a)(4). #17-0554, *Robert Salatto vs. Corey A. Heiks* (10 pages).

Agreed disposition for the Respondent to submit to and fully cooperate with an audit of his clients' funds account from May 2016 through December 2018, and further ordered that the Respondent shall make restitution to the Complainant of \$15,000 payable in \$1,000 increments every 30 days until paid in full for violation of Rule 1.15(k)(3). #16-0781, *Grace Ping Liu vs. Benjamin B. Hume* (11 pages).

Agreed disposition that Respondent violated Rules 1.3 and 8.1 (2) and P.B. §

2-32(a)(1). Respondent shall make restitution to the Complainant of \$200 within 30 days. #08-0401, *Nicole Sawka vs. Kevin W. Lynch* (10 pages).

Presentment ordered for Respondent's violation of Rules 1.5(b), 8.1(2), 8.4(3), 8.4(4) and P.B. § 2-32(a)(1). The Respondent accepted a retainer to pursue to file a complaint with the Dept. of Consumer Protection to address a crumbling foundation matter, failed to file the complaint, and misrepresented to the Complainant that the claim had been filed. Respondent further failed to respond to the grievance complaint and violated Practice Book rules regarding attorney registration. Additional violation of Rule 1.3 to be included at presentment. #18-0282, *Lisa Kirschner vs. David V. Chomick* (9 pages).

Presentment ordered for Respondents violation of Rule 8.4(4). Respondent engaged in unethical conduct as a court appointed conservator and conduct prejudicial to the administration of justice by failing to appropriately manage Complainant's finances and diligently pay bills. #18-0149, *Charles Stone vs. Stephanie E. Czap* (8 pages).

Agreed disposition of reprimand for violation of Rules 1.1, 1.3, 1.4, and 1.15. #18-0290, *Robert Koteles vs. John Harrington* (10 pages)

Agreed disposition of reprimand for violation of Rule 1.2. #18-0386, *RCN Capital LLC vs. Aimee L. Wickless* (10 pages).

Agreed disposition of restitution for violation of Rule 1.3. Respondent will make restitution to Complainant of

Prepared by CBA Professional Discipline Committee members from public information records, this digest summarizes decisions by the Statewide Grievance Committee resulting in disciplinary action taken against an attorney as a result of violations of the Rules of Professional Conduct. The reported cases cite the specific rule violations to heighten the awareness of lawyers' acts or omissions that lead to disciplinary action.

Presentments to the superior court are de novo proceedings, which may result in dismissal of the presentment by the court or the imposition of discipline, including reprimand, suspension for a period of time, disbarment, or such other discipline the court deems appropriate.

A complete reprint of each decision may be obtained by visiting jud.ct.gov/sgc-decisions. Questions may be directed to editor-in-chief, Attorney John Q. Gale, at jgale@jqglaw.com.

\$2,000 within 10 days. #18-0484, *Lauren Leblanc vs. Richard P. Lawlor* (10 pages).

Presentment ordered for violations of Rules 1.1 and 1.3 for failing to provide competent representation by failing to respond to a motion for summary judgment and failing to appear for the hearing thereon; violation of 1.2 by failing to realize the objectives of the representation; violation of Rules 1.4(a)(1), (2), and (3) and 1.4(b) by failing to communicate with the client; violation of Rule 1.5(a) by charging an unreasonable fee considering the lack of actual representation; and violation of Rule 8.1(2) and P.B. § 2-32(a)(1) for failing to respond to the grievance complaint. #18-0342, *Sean Jacobus vs. Dale D. Morgado* (7 pages).

Agreed disposition of presentment to consolidate the matter with another pending disciplinary matter, *Disciplinary Counsel vs. Gatison*, NNH CV 18-6078817, pending in New Haven. #18-0291, *Paul Izzo vs. Keisha S. Gatison* (8 pages).

Reprimand and restitution ordered for violation of Rules 8.1(2) and 8.4(4). Respondent violated Rule 8.4(4) by entering into an agreement to resolve a prior grievance complaint by engaging in fee arbitration agreed to be binding, and then failed to pay the award to Complainant. Further, the Respondent violated Rule 8.1(2) and P.B. § 2-32(a)(1) by failing to timely respond to the grievance complaint. Respondent is ordered to make restitution of \$1,470.76 within 60 days. #18-0486, *Paula St. Thomas vs. Thomas Lengyel* (8 pages).

Audit ordered for violation of Rule 1.15(b). Respondent set up a bill pay of a personal debt from his IOLTA account, failed to keep complete records of his IOLTA account, and failed to produce records to disciplinary authorities upon request. Respondent maintained a negative balance in his IOLTA account for a substantial period of time. Respondent

engaged in unethical conduct and is ordered to take, in person, and at his own expense, six credit hours of continuing legal education in IOLTA Trust Account management within nine months. Respondent shall also provide the Committee a completed Continuing Education Log (Form JD CE 1) by Jan. 31, 2020. Respondent shall further submit to an audit of his IOLTA accounts from Jan. 2017 through Dec. 31 2019. #18-0560, *Michael Bowler vs. Joseph Barbarie*.

Presentment ordered for Respondents violation of Rule 1.3 for failing to diligently represent Complainant, filing an appearance only after judgment entered, and failing to take any action to reopen the judgment. Further Respondent violated Rule 1.4(a)(3) by failing to keep Complainant advised of the status of his case and never notified Complainant that a lien had been filed. Further, the Respondent violated Rule 1.5(a) by charging an unreasonable fee considering the amount of time spent on the case and the result achieved. Lastly, Respondent violated Rule 8.1(2), and P.B. § 2-32(a)(1) by failing to respond to the Grievance Complaint. #18-0127, *Yvonne Francis vs. Jeffrey Cedarfield* (8 pages).

Presentment ordered for violations of Rules 1.1, 3.4(3), 8.1(2), and 8.4(4). Respondent violated Rule 1.1 by failing to check land records and corporate records prior to filing a complaint against the wrong party, causing Complainant to lose her claim against the proper parties. Respondent violated Rule 3.4(3) and 8.4(4) by failing to comply with court ordered payments entered as a default judgment against him and failing to appear for examination of judgment debtor. Respondent violated Rule 8.1(2) by failing to respond to the grievance complaint. Additional violation as to P.B. § 2-32(a)(1) to be included at presentment. #18-0322, *Juaquina Smith-Shaw vs. Paul Cramer* (8 pages).

Agreed disposition of presentment to consolidate with another pending disciplinary matter, *Disciplinary Counsel vs. Giacomi*, UWY CV 17-6033986, pending in Waterbury. #18-0561, *Roger Bolduc vs. Alan Giacomi* (8 pages).

Agreed disposition of reprimand to violations of Rules 1.3 and 8.1(2) as well as Section 2-32(a)(1) of the Practice Book. #18-0578, *Mary Ann Pezzente v. Jeffrey D. Cedarfield* (10 pages). ■

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