

# Professional Discipline Digest

VOLUME 29 NUMBER 1

By JOHN Q. GALE

**Reprimand** issued by agreement for violation of Rule 1.3 where attorney agreed that he had not diligently represented his commercial client in the defense of two lawsuits. Attorney agreed to make restitution to client by complying with terms of judgment client had obtained against attorney. *Waterbury J.D. Grievance Panel v. Jason Gaston Doyon*, #18-0649 (8 pages).

**Presentment** ordered to be consolidated with another pending **presentment** where probable cause found that attorney violated Rules 1.3, 1.4, 1.5, and 8.1 and Practice Book Section 2-32(a)(1) and Disciplinary Counsel had filed additional allegations as to Rules 1.5(b) and 1.15(e). *Belli v. Wayne Anthony Francis*, #18-0467 (8 pages).

**Reprimand** issued for violation of Rules 1.1, 1.3, 1.5(a), and 8.1(2) and Practice Book Section 2-32(a)(1) where attorney accepted retainer to file a divorce but failed to institute the action but attempted to keep a portion of the retainer for actions he did take and where attorney failed to answer grievance. Attorney ordered to make restitution of part of retainer and take 3 hours of in-person CLE in ethics. *Benway v. Chris Gauthier*, #18-0652 (7 pages).

**Presentment** ordered for violation of Rules 8.1(2) and 8.4(4) and Practice Book Section 2-32(a)(1) where attorney acting as conservator was removed for failure to account to social security for use of ward's benefits and failure to file a final accounting with Probate Court and where attorney failed to answer grievance complaint. *Stoner-Sanborn v. Stephanie Elissa Czup*, #18-0605 (7 pages).

**Presentment** ordered for violation of Rules 1.1, 1.2(a), 1.3, 1.4(a), 1.4(b), 1.5(a),

1.15(e), 5.5, 8.1(2), 8.4(2), and 8.4(3) and Practice Book Section 2-32(a)(1) where attorney accepted a retainer and filed suit for client in Connecticut Federal Court but thereafter failed to respond to motions, court conferences, and deadlines causing case to be dismissed and clients to be sued in other states and judgments entered against them when attorney misrepresented that he could appear in those states; and when attorney failed to respond to grievance complaint. Attorney was already suspended in New York and Florida and disbarred in Connecticut for 7 years. *Hartford J.D. for G.A. 13 v. Dale James Morgado*, #18-0734 (8 pages).

**Reprimand** issued by agreement for violation of Rule 1.15(c) where attorney with lengthy disciplinary history (five reprimands, two suspensions, and a disbarment) used his IOLTA account for personal finances and where attorney agreed to a disposition of another case (#18-0176). *Bowler v. John J. Evans*, #18-0121 (10 pages).

**Reprimand** issued by agreement for violation of Rule 1.4 where attorney withdrew from probate appeal without notice to client depriving her of opportunity to retain substitute counsel or represent herself. *Fuller v. Leo E. Ahern*, #18-0517 (9 pages).

**Reprimand** issued by agreement for violation of Rules 3.3(a)(1) and 5.5(a) to a Rhode Island attorney not admitted to practice in Connecticut. *Cardoza v. PHV Peter A. Clarkin*, #17-0390 (11 pages).

**Presentment** ordered for violation of Rules 1.15 and 8.1(2) and Practice Book Sections 2-27, 2-28, and 2-32(a)(1) for overdraft of \$90 in IOLTA account which triggered a request for audit with which

**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](http://jud.ct.gov/sgc-decisions). Questions may be directed to editor-in-chief, Attorney John Q. Gale, at [jgale@jqglaw.com](mailto:jgale@jqglaw.com).

attorney did not comply and where attorney did not answer the grievance complaint. *Bowler v. Veronica L. Gill*, #18-0062 (7 pages).

**Presentment** ordered for violation of Rules 8.1(1), 8.4(1), 8.4(2), 8.4(3), and 8.4(4) where attorney made knowingly false statements of material fact in affidavit filed in this grievance matter and in a small claims writ both alleging that client signed an assignment of personal injury proceeds to pay a loan admittedly made to client. *Cousar v. Charles J. Riether*, #17-0343 (12 pages).

**Presentment** ordered for violation of Rules 1.15(e), 4.1(1), 8.4(3), and 8.4(4) where attorney in personal injury matters prepared two different settlement statements (one for client, one for DAS) in at least 129 cases thereby underpay-

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## PDD

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ing DAS liens of about \$263,000 in total. DAS was repaid by attorney's firm, from escrowed funds, and by the firm's insurance carrier. *Windham JD Grievance Panel v. Louis Mark Rubano*, #18-0144 (7 pages).

**Presentment** ordered for violation of Rules 1.2, 1.3, 1.4(a)(1), (2), (3) and (4), 1.5(a), 1.15(e), 8.4(1), and 8.4(4) where attorney in divorce matter accepted a retainer and thereafter failed to send billing statements; failed to communicate with client allowing divorce to enter pursuant to a settlement she had not seen and of which she was not informed; failed to advise of settlement timing and then failed to tender the settlement proceeds to her in a timely fashion (three months after multiple requests); and failed to answer grievance complaint. Additional violations of Rules 3.3 and 8.1(2) added by panel. *Service-Corso v. Sean Patrick Barrett*, #18-0616 (10 pages). ■

## Highlights

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opinion of negligence accompanying a medical malpractice complaint need not be from an author certified in precisely the same specialty as the defendant; rather, certification need only be in a field that serves the same general medical practice area as the defendant and requires skills overlapping those needed for the contested treatment of the plaintiff. *Sacco v. Littlejohn*, 69 CLR 314 (Krumeich, Edward T., J.).

### ■ Trade Regulation

The "ascertainable loss" element of a CUTPA claim is not satisfied solely by the fact that attorneys fees have been incurred to pursue the cutpa claim. *National Loan Acquisitions Co. v. Olympia Properties, LLC*, 69 CLR 335 (Wilson, Robin L., J.).

The plaintiff in a trade secrets case has the initial burden of disclosing with particularity the alleged misappropriated trade secrets, to allow the defendant an

opportunity to avoid unnecessarily disclosing its own trade secrets. *Edgewell Personal Care Co. v. O'Malley*, 69 CLR 246 (Lee, Charles T., J.). ■

## Classifieds

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