

# Professional Discipline Digest

VOLUME 29 NUMBER 2 | By MICHAEL F. ROMANO

**Reprimand** ordered after hearing for violation of Rule 4.2 of the Rules of Professional Conduct by communicating with a represented party without consent of counsel in that the attorney negotiated and obtained the signature of a party on a divorce agreement while the party was still represented by counsel; and for violation of Rule 8.4(3) by failing to fully inform the court that the attorney had mistakenly worked out an agreement with a still represented party and by failing to inform the court that counsel for the party did not know the parties were intending to finalize a divorce; and for violation of Rule 8.1(2) of the Rules of Professional Conduct by failing to respond to a lawful demand for information and Practice Book § 2-32(a)(1) by failing to file an answer to the grievance complaint. *Chomick vs. Tony Anthony*, #18-0226 (9 pages).

**Attorney** ordered by agreement to attend a three-credit continuing legal education course (CLE) in Connecticut law for violation of Rule 8.1 of the Rules of Professional Conduct. *Sawyer vs. Jonathan Lee Hull*, #18-0377 (11 pages).

**Attorney** ordered by agreement to attend a three-credit CLE in ethics for violation of Rules 1.1, 3.3 and 8.4(3) and (4) of the Rules of Professional Conduct. *Waterbury vs. Ross W. Hakala*, #18-0454 (11 pages).

**Attorney** ordered by agreement to attend a three-credit continuing legal education course (CLE) in ethics and to make restitution in the amount of five hundred dollars for violation of Rule 1.5(b) of the Rules of Professional Conduct by failing to provide a fee agreement or a billing statement to the complainant. *Allen vs. Walter Ambrose Shalvoy, Jr.*, #18-0662 (10 pages).

**Presentment** ordered after hearing for violation of Rule 1.3 of the Rules of Professional Conduct by failing to record a warranty deed and a mortgage in a real estate transaction, failing to pay conveyance and property taxes, failing to prepare accurate documents, all of which constitutes a lack of diligence, and for violation Rule 8.4(4) in that the above behavior constituted conduct prejudicial to the administration of justice, and for violation of Practice Book § 2-32(a)(1) for failing to file an answer to the grievance complaint. *Champagne vs. Alan Michael Giacomi*, #18-0703 (7 pages).

**Presentment** ordered by agreement to consolidate finding of probable cause for violations of Rules 3.1 and 8.4(3) of the Rules of Professional Conduct with all pending disciplinary matters before the court. *Schoenhorn vs. Neil Johnson*, #19-0122 (8 pages).

**Attorney** ordered by agreement to attend a three-credit continuing legal education course (CLE) in ethics for alleged violation of Rule 8.4(4) of the Rules of Professional Conduct and Connecticut Practice Book § 2-32(a)(1). *Bouteiller vs. M. Leonard Caine III*, #18-0751 (8 pages).

**Presentment** ordered after hearing for violation of Rule 1.3 of the Rules of Professional Conduct by delaying and failing to record an attachment until after the property had been conveyed; by violation of Rule 1.4 of the Rules of Professional Conduct by failing to keep the complainant reasonably informed regarding the status of the representation and by being non-responsive to the complainant for a period of time; and for violation of Rule 8.1(2) of the Rules of Professional Conduct and Practice Book § 2-32(a)(1) by failing to re-

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).

spond to grievance complaint without demonstrating good cause. Panel directed Disciplinary Counsel to add include a violation of Rule 1.1 to the presentment. *Lemire v. Kelly Anne Carden*, #18-0464 (5 pages).

**Presentment** ordered after review of exhibits filed at hearing where neither complainant nor respondent appeared, finding that the attorney violated Rule 3.4(3) of the Rules of Professional Conduct by failing to comply with court ordered child support payments and court ordered costs resulting in unpaid obligations of \$127,747.50 CAD, which failure constitutes conduct prejudicial to the administration of justice in violation of Rule 8.4(4) of the Rules of Professional Conduct. *Jiang v. Eric M. Parham*, #18-0644 (5 pages).

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## President's Message

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to listen to your concerns and grievances, and to make you successful in your pursuits. I am not sure if the methods we have been utilizing are the most effective way to gather feedback from our members and allow for us to listen to the concerns of the legal community. I do know the CBA is eager to listen to your suggestions on how we can improve our efforts. We need to know what we are doing *right* but, more importantly, we need to know what we are doing *wrong*, and what you need from us. We want to listen to what you want and what you have to say, not just because our mission requires it, but also because we genuinely care about ensuring justice and preserving the rule of law as well as ensuring our members and affiliate bar associations are successful in their endeavors. To accomplish these goals, we need your support, your voice,

your thoughts, your ideas, and your grievances. Our armor is off, our guard is down, and the CBA is ready to listen. ■

*Thank you for allowing me the chance to serve this year as your president. Throughout this bar year, I have had the pleasure of speaking with and getting to know so many of you and your families. Thank you for contacting me to discuss issues, inspiring me to write articles on topics and launch initiatives. I enjoyed working, learning, and growing with all of you. The support I received from you, the amazing staff at the CBA, my fellow officers, past presidents, the leaders of various sections and committees, other bar associations, and professional organizations cannot be understated. For this, I will be eternally grateful.*

## Pro Bono

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pro bono services, and supporting legal aid in these difficult and challenging times. It has truly been a pleasure to serve as chair of the Pro Bono Committee and working with and being inspired by our Committee members and attorney volunteers striving to narrow the access to justice gap. I look forward to continuing the important work of the Pro Bono Committee under Cecil's leadership. Stay well! ■

## NOTES

1. Frequently Asked Questions on the State of Connecticut's actions related to COVID-19 at p. 4. (<https://portal.ct.gov/-/media/Coronavirus/COVID-19-FAQs.pdf?la=en>)
2. Medical Associations, CT Department of Consumer Protection (<https://portal.ct.gov/DCP/Common-Elements/Consumer-Facts-and-Contacts/Medical-Associations>)
3. Hartford Agrees To Pay Out \$2.75 Million To Residents Improperly Displaced From Condemned Buildings, Matthew Ormseth, March 22, 2018. (<https://www.courant.com/news/connecticut/hc-news-hartford-housing-settlement-20180321-story.html>)
4. <https://ct.freelegalanswers.org>
5. [ctbar.org/SmallBusinessClinic](https://ctbar.org/SmallBusinessClinic)
6. <https://www.lawyersforgoodgovernment.org/covid-smallbusiness>
7. [ctbar.org/ProjectFeedCT](https://ctbar.org/ProjectFeedCT)
8. [Foodshare.org](https://www.foodshare.org)
9. [CTFoodBank.org](https://www.ctfoodbank.org)
10. <https://www.ctbar.org/home/coronavirus-response/resources/for-the-public>

## PDD

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**Attorney** ordered by agreement to submit to three credit hours of continuing legal education in IOLTA account management and to cooperate with monthly audits by the Statewide Grievance Committee for a period of six months for violation of Rule 1.3, 1.15(e) and 8.4(4) of the Rules of Professional Conduct by failing to render a proper accounting regarding a tax lien when requested by the complainant and by failing to respond to the grievance complaint in violation of Practice Book § 2-32(a)(1). *Kaufman v. Walter A. Shalvoy, Jr.*, #18-0760 (10 pages).

**Reprimand** ordered by agreement for violation of Rule 8.1(2) of the Rules of Professional Conduct and Practice Book § 2-32(a)(1). *Hernandez v. Robert Louis Fiedler*, #19-0089 (8 pages).

**Attorney** ordered by agreement to submit to three credit hours of continuing legal education in law office management for violations of Rules 1.2(a), 1.2(c), 1.4(a)(2), 1.4(a)(3), 1.5(c), and 1.16(d) of the Rules of Professional Conduct. *Lowe v. Joseph E. Fournier*, #19-0143 (10 pages).

**Attorney** ordered by agreement to submit to three credit hours of continuing legal education in legal ethics and three credit hours in residential real property for violation of Rules 1.5(b), 1.7 and 1.16(d) of the Rules of Professional Conduct by representing the buyer and seller of the same real property in the same transaction without written consent of the complainant and by failing to provide the complainant or her counsel with a copy of her file within a reasonable time upon request. *Honeysette v. Dale H. King*, #19-0145 (9 pages).

**Reprimand** ordered by agreement for violation of Rule 8.4 of the Rules of Professional Conduct by failing to make payment under a promissory note, and attorney was ordered to make restitution of \$22,500 on or before thirty days after acceptance of agreement. *Brown v. Lawrence J. Greenberg*, #19-0230 (8 pages). ■

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