

# Professional Discipline Digest

VOLUME 29 NUMBER 3 | By MARK DUBOIS

**Presentment** ordered for violation of Rules 1.5(a) and 1.15(f) where, in a workers' compensation matter, the attorney charged an improper fee, failed to preserve the fee pending a resolution of the dispute, and engaged in conduct prejudicial to the administration of justice. Of note is that this case involved two separate civil lawsuits and appeals and the Reviewing Committee had to tease out which issues had been determined by the courts. SGC ordered an additional violation of Rule 8.4(4) to be considered on presentment. *Yuille v. Laurence Parnoff*, #18-0229 (15 pages).

**Reprimand** issued by agreement for violation of Rule 3.3(b) where attorney failed to correct false testimony of his wife whom he represented in a grievance proceeding. *Fairfield Panel v. Jonathan C. Newman*, #18-0675 (9 pages).

**Presentment** ordered for violations of Rules 1.3, 1.4(a)(3) and (4), 8.1(2), and 8.4(3) where attorney failed to file pleading leading to the dismissal of the case and misrepresented to the client the status of the case. The attorney failed to answer the grievance. *Boczar v. Paul M. Cramer*, #19-0108 (8 pages).

**Presentment** ordered for violation of Rules 1.3, 1.5(a) and 8.4(4) and Practice Book § 2-32(a)(1) where attorney took a fee to review prenuptial agreement and never responded to client's inquiries about the matter, nor respond to the grievance. Of note is that during the hearing, disciplinary counsel offered docket sheets of various civil cases of the respondent, which appeared to have been dismissed for inaction. The Reviewing Committee ordered disciplinary counsel to add charges to the presentment for lack of diligence and improper fees related to

those matters. *Garcia v. Jose L. Altamirano*, #19-0141 (7 pages).

**Presentment** ordered by agreement for consolidation purposes in matter involving violation of Rules 8.1(2) and Practice Book § 2-32(a)(1). *Carroll v. Stephanie E. Czap*, #19-0173 (8 pages).

**CLE** ordered by agreement for violation of Rule 1.4(a)(2). *Westbrook v. Brian E. Kalligian*, #19-0209 (12 pages).

**Presentment** ordered for violation of Rules 1.3, 1.4(a)(2), (3) and (4), 1.5(a) and (b), and 1.15(d), 1.16(d), 8.1(2), 8.4(3) and (4), and Practice Book § 2-32(a)(1) in matter where attorney took fee and failed to act on employment case, failed to communicate with client, and failed to answer the grievance. Attorney also failed to keep his attorney registration current. SGC ordered an additional violation of Practice Book § 2-27(d) to be considered on presentment. *Teti v. David V. Chomik*, #19-0284 (9 pages).

**CLE** ordered by agreement for violation of Rules 1.1, 1.2, 1.3, 1.4, 1.5, 1.5(a), 1.15(b) and (j), 8.1 (2), and 8.4 and Practice Book § 2-32(a). *Newman v. Steven H. Surdut*, #19-0017 (10 pages).

**Presentment** ordered by agreement for purpose of consolidation for violation of Rules 1.1, 1.15, 8.1(2), and 8.4(4) and Practice Book § 2-32(a)(1). *Ahmad v. Keisha S. Gattison*, #19-0039 (8 pages).

**Presentment** ordered for violation of Rules 1.1, 1.2(a), 1.3, 1.4(a)(1), (2), (3) and (4), 1.4(b), 1.5(a), 1.6(e), 1.15(b) and (e), 8.1(2), 8.4(1) and (4), and Practice Book § 2-32, where attorney was hired to assist with a Title XIX matter and with estate planning, failed to record a power of at-

**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).

torney with a deed, and failed to follow through on the matter and communicate with the client. When the client could not contact respondent, she found that his office had been abandoned and his files thrown in the trash by the landlord. A friend of the complainant retrieved her file from the trash. SGC ordered an additional violation of Practice Book § 2-27(d) to be considered on presentment. *Vik v. Chris Gauthier*, #19-0202 (8 pages).

**Presentment** ordered for violations of Rules 1.3, 1.4(a) and 8.4(4) as well as Practice Book § 2-32(a)(1) where attorney failed to appear for two pretrials leading to the nonsuit of his client's case, had a record of other cases, which were similarly suffering from inaction, and failed to answer the grievance complaint. Of note is that investigators from both Bar Counsel

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## President's Message

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### NOTES

1. boardsource.org/nancy-lee
2. The Constitution of the Connecticut Bar Association, Inc. was last amended by the CBA House of Delegates on January 13, 2014 and may be viewed on the CBA website at [www.ctbar.org/docs/default-source/leadership-resources/2019-2020/04-2019-cba-constitution-bylaws-and-procedures\\_10-15-18.pdf](http://www.ctbar.org/docs/default-source/leadership-resources/2019-2020/04-2019-cba-constitution-bylaws-and-procedures_10-15-18.pdf)

## Classifieds

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## Connecticut Fines

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The general level of inconvenience and potential for fines relating to pandemic face covering requirements and social gathering size restrictions during the current public health emergency appear to be on par with pre-existing statutory safety, health, and public welfare requirements affecting operators and passengers of motor vehicles, that are intended to protect not just the operators and passengers themselves but also the general public's health, safety, and welfare. ■

### NOTES

1. State enforcement of adherence to federal motor vehicle safety requirements is distinguishable from state regulation of motorcyclists' protective headgear. (Protective headgear requirements have been challenged in several jurisdictions on constitutional grounds (including discriminatory selective enforcement grounds, and arguments that a state's police power does not extend to helmet requirements that only protect the individual motorcyclist's life and health, not the general public's health, safety and welfare.) Protective headgear requirements that apply only to minors and that allow use of headgear meeting federal safety standards (without imposing additional, more restrictive state requirements) have been easier to defend against constitutional challenge.

2. Conn. Gen. Stat. Section 14-300f(b) includes the same penalties for failing to stop a motor vehicle at the direction of a school crossing guard.

## PDD

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and Disciplinary Counsel offices were unable to find the respondent. *Ansonia Panel v. Jose L. Altamirano*, #19-0337 (7 pages).

**Presentment** ordered for violations of Rules 1.3, 1.4(a)(2),(3) and (4), 1.5(a) and (b), 1.15(d), 8.1(2), 8.4(3), 8.4(4) and Practice Book § 2-32(a)(1) in regards to a divorce case where respondent, while under suspension, took a fee to file a divorce and failed to do so. Respondent had a significant history of discipline which, combined with not answering the present case, led to the presentment order. SGC ordered an additional violation of Rule 5.5(b)(2) to be considered on presentment. *Monahan v. David V. Chomick*, #19-0450 (9 pages). ■

## Supreme Deliberations

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any factors were different...." For Justice D'Auria, this "absence of any explanation for the ruling...makes entirely deferential review problematic."

Turning then to the merits, Justice D'Auria concluded that the appellate court should have granted the defendants' request to file a late appeal for three principal reasons. First, citing the plaintiff's "arguably unnecessary" motion for offer of compromise interest and the absence of any reviewing court ruling "definitely determin[ing]" whether, following a 1997 amendment to § 37-3b, the trial court retains some discretion over the amount of postjudgment interest it can award, Justice D'Auria concluded that "the events that transpired after the jury's verdict were...susceptible to reasonable confusion sufficient to constitute 'good cause' and to justify the defendants' late appeal." Second, the plaintiff was not prejudiced by the delay. Third, the appellate court's ruling caused a "complete forfeiture" of a statutory right that was "wildly out of proportion to any procedural violation in the case."

We certainly sympathize with the defendants. After all, the plaintiff was not substantially prejudiced by the late filing and it's not like the dismissal lightened the appellate court's docket much, given that it still had to resolve the defendants' appeal challenging the trial court's award of interest. On the other hand, the defendants should have known that the appellate clock began running when the trial court accepted the jury's verdict. And it's hard to conclude that the appellate court's decision was arbitrary, when there was really no sound basis for the defendants to believe that they had timely filed their appeal.

But in any event, the lesson of *Georges* has been around at least as long as we've been practicing appellate law: when in doubt, immediately file the appeal—or at least file a motion for an extension of time! ■