

Professional Discipline Digest

VOLUME 29 NUMBER 4 | BY JOHN MORRIS

Proposed disposition to reprimand Respondent is ordered. Reprimand issued pursuant to agreed disposition where attorney acknowledged that there was sufficient evidence to prove violations of Rule 1.15 and 8.1(2) and Practice Book Sections 2-27 and 2-32(a)(1). *Michael Bowler vs. Brian Dale Russell*, #19-0460 (10 pages).

Presentment ordered for violations of Rules 1.4(a)(3) and (4); 1.5(a), 1.15(b), (d), (e); 1.16(d); 8.1(2); and Practice Book Section 2-32(a)(1) for failure to keep the complainant reasonably informed of the status of the litigation, failure to separate client's funds from personal funds, for charging an unreasonable fee, failing to confirm the termination of the representation, and failure to return unearned client funds. *Christopher Janazzo vs. Robert O. Wynne*, #19-0234 (8 pages).

Presentment ordered for violations of Rules 1.15(b), (j), and (k) (3); 8.1(2); and Practice Book Section 2-27(a) and 2-28(b) and (h) for failure to properly conduct transactions within his Connecticut IOLTA account, for his use of such account as a firm operating account, failing to comply with bar counsel's requests for information, and for maintaining client funds in a Connecticut trust account where he does not maintain an office and when he did not have consent of the clients or third persons to do so. *Michael Bowler vs. Christopher A. Bacotti*, Complaint #18-0738 (8 pages).

Proposed disposition to reprimand Respondent is ordered. Reprimand issued pursuant to agreed disposition where attorney

acknowledged that there was sufficient evidence to prove violation of Rule 3.4(7) and is required to take at least one credit hour of CLE in civility / zealous advocacy within ethical boundaries or similar conduct. *Joshua Kosswig vs. Abelardo J. Arias*, #19-0321 (9 pages).

Presentment ordered for violations of Rule 8.4(4) and 8.1(2) and Practice Book Section 2-32(a)(1) for failing to comply with an agreed upon disposition of a prior grievance matter. Presentment ordered pursuant to Practice Book Section 2-47(d) because Respondent had been disciplined more than three times in response to complaints filed within the past five years. *Brian Staines vs. Jeffrey Cedarfield*, #19-0331 (9 pages).

Reprimand ordered for violations of Rules 1.4(1)(2) and (3) for
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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/gsgcdecisions. Questions may be directed to editor-in-chief, Attorney John Q. Gale, at jgale@jgqlaw.com.

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President's Message

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Counsel are Doing to Drive Change and Achieve Results." In this exciting program, we will hear from corporate counsel about how the desire to achieve sustainability and advance ESG is driving change in their companies, and what companies need from outside counsel to address ESG factors, regulation, and reporting.

The CBA has been with you throughout these unprecedented, trying times and we will stand with you as we navigate and define the new normal. To better serve you and your professional needs, please take a minute to update your CBA profile, including firm size and type, and area of practice, so that we can continue to deliver the high-quality content that you deserve.

As we begin to safely reopen the CBA offices and bring back in-person meetings, please mark your calendars and join Connecticut legal professionals and the CBA past presidents and their families at our Summer BBQ on Sunday, June 27 from 11:00 a.m. to 5:00 p.m. at Holiday Hill in Prospect. Learn more and register at ctbar.org/BBQ.

DE&I

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ing reactive, or part of an affirmative and comprehensive program to achieve long-term change? Will the training be part of an ongoing DEI effort, building knowledge or awareness over time, or simply a one-time "check the box" event with little or no follow-up? If implicit biases are deeply-held positive and negative associations built up within our subconscious minds over time, can we reasonably expect a stand-alone training to challenge those associations in 60 or 90 minutes? Can such a training, without more, guarantee the individual and organizational action steps necessary to effectuate actual and long-term change? Relying on an isolated training event to meaningfully advance DEI is akin to utilizing a lecture or a good book to ad-

Stay safe and be well. ■

NOTES

1. www.un.org/sustainabledevelopment/sustainable-development-goals/
2. www.un.org/millenniumgoals/
3. www.unpri.org
4. www.unglobalcompact.org
5. www.responsible-investor.com/articles/the-rise-of-esg-law-firms-part-i-esg-law-gets-hot-and-ceos-get-bothered-leading-to-integrated-esg-legal-practices
6. www.forbes.com/sites/george-kell/2018/07/11/the-remarkable-rise-of-esg/?sh=782e67b71695
7. www.kkr.com/businesses/global-impact
8. www.pionline.com/esg/global-esg-data-driven-assets-hit-405-trillion
9. www.bloomberg.com/news/articles/2020-10-19/almost-60-of-mutual-fund-assets-will-be-esg-by-2025-pwc-says
10. Bloomberg L.P. (3/4/2021). Climate, ESG Task Force Formed by SEC in Enforcement Division. Retrieved from Bloomberg database
11. www.whitehouse.gov/priorities
12. www.blackrock.com/corporate/investor-relations/larry-fink-ceo-letter
13. Goldman Sachs 2019 Sustainability Report Driving Inclusive Growth at p. 24.
14. www.americanbar.org/groups/litigation/committees/diversity-inclusion/articles/2017/winter2017-0217-paulette-brown-engineer-for-justice/
15. www.ctbar.org/about/diversity-equity-inclusion

vance personal health and wellness. You may learn important lessons in 60 to 90 minutes, but impact is ultimately determined by whether you apply those lessons in what you do afterwards.

Take the time to find or reexamine your DEI "why" and "why not." Be honest in your self-reflection and examination, challenging your fears and assumptions as necessary. Your DEI "whys" and "why nots" are often quite perceptible, particularly to those within your organization who are impacted by the product of your collective efforts, or lack thereof. In the end, your DEI commitment should be real and spectacular: a woven tapestry of the collective experiences and differences of the people that make your organization truly strong, effective, and inspiring. ■

PDD

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withdrawing a pending action without permission of the Complainant and for failing to keep the Complainant reasonably informed of the status of her case. *Cathy Topping vs. Michael A. Peck*, #19-0374 (9 pages).

Proposed disposition to reprimand the Respondent is ordered. Reprimand issued pursuant to agreed disposition where attorney acknowledged that there was sufficient evidence to prove violation of Rule 8.4(3) and is ordered to initiate the Connecticut Bar Association fee arbitration process for the parties. *Robert Boisvert vs. James R. Hardy III*, #19-0471 (10 pages). ■

Time to Go Pro Bono

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reference materials, available through CBA Pro Bono Connect. You may access these trainings at your convenience, and will be able to coordinate with the referring civil legal service provider to take a case according to your availability within the year after you take the Pro Bono Pledge. While the time commitment is greater, you will be a great reassurance to a low-income individual or family navigating unfamiliar systems and difficult circumstances. Learn more and sign up at ctbar.org/CBAProBonoConnect.

I hope you will find an opportunity to engage in pro bono legal service through all of the CBA's many pro bono programs. Each of them is tailored to your availability, provides support for your involvement, and will allow you to give your time, expertise, and professional skills to those in greatest need of our help. ■

NOTES

1. Connecticut Rules of Professional Conduct, Rule 6.1 (2021)
2. www.ctbar.org/events-education/upcoming-special-events/pro-bono-clinic
3. www.ctbar.org/members/volunteer-today/pro-bono/CBA-pro-bono-connect