

Professional Discipline Digest

By CONOR A. SCALISE

VOLUME 30 NUMBERS 3&4

Presentment ordered for violation of Rules 8.4(2), 8.4(3), and 8.4(4) where attorney took a false acknowledgment on a deed, entered a false date on a deed, and allowed the same to be recorded on the land records in contravention of Conn. Gen. Statutes § 531-142a. *Singh v. Americo Carchia*, #18-0737 (10 pages).

Sanction issued for violation of Rules 8.1(1) and 8.4(4) where attorney failed to take affirmative steps to halt a foreclosure action she mistakenly initiated against an innocent party. Attorney subsequently misrepresented to local grievance panel that her firm did not “advance the case in any fashion” after discovering the mistake, but the firm had in fact taken steps to move the action forward. Attorney ordered to take three credit hours of in-person CLE in Law Office Management in addition to the annual requirements of Practice Book Section 2-27A. *O'Connor v. Jo-Ann Lambert*, #19-0010 (10 pages).

Presentment ordered for violation of Rules 1.1, 1.3, 1.4(a), 1.5(a), 1.5(b), 8.1 (2), and 8.4(3) and Practice Book Section 2-32(a)(1) where attorney accepted a legal fee of over \$10,000 to represent the Complainant in an immigration matter and, among other things, never performed any substantive legal work on the matter, never created a legal case file, never entered into a written fee agreement, failed to communicate with client regarding objectives and status updates, and failed to

answer the grievance complaint. Panel directed Disciplinary Counsel to include a claim of violation of Rule 8.4(2) in the presentment and recommended Disciplinary Counsel to pursue restitution. Attorney had an extensive disciplinary history. *Adamu v. Musa P. Sebadduka*, #19-0568 (11 pages).

Presentment for consolidation ordered by agreement where attorney had another presentment pending and probable cause was found that attorney violated Rules 8.1(2) and 8.4(4) and Practice Book Section 2-32(a)(1). *Gallo v. Corey A. Heiks*, #20-0040 (8 pages).

Presentment ordered for violation of Rules 1.3, 1.4(a)(2) and (3), 1.5(a), 1.6(a), 8.1(2), 8.4(3), and 8.4(4) and Practice Book Section 2-32(a)(1) where attorney accepted a combined \$10,000 in legal fees to initiate a civil action and then failed to respond to several pleadings, including a motion for nonsuit; revealed information related to clients’ case without authorization, failed to communicate with clients about the status of the suit, and failed to answer the grievance complaint. *Lewis v. David Vacco Chomick*, #19-0663; *Pantalone v. David Vacco Chomick*, #19-0685 (consolidated) (8 pages).

Presentment ordered for violation of Rules 1.3, 1.4(a)(2), 1.4(a)(3), 1.4(a)(4), 1.5(a), 1.15(d), 8.1(2), 8.4(3), and 8.4(4) and Practice Book Section 2-32(a)(1) where attorney accepted a \$2,500 fee to represent client in divorce proceeding and attorney never initiated the action, failed to communicate with client regard-

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.

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ing the status of the case and requests for information, failed to deposit client funds into client trust account, and failed to answer the grievance complaint. *Brown v. David Vacco Chomick*, 19-0601 (8 pages).

Presentment ordered for violation of Rule 8.1(2) and Practice Book Section 2-32(a)(1) where attorney failed to file an answer to grievance complaint. Reprimand was warranted, but presentment was ordered in light of attorney’s recent and extensive disciplinary history and attorney’s lack of compliance with reprimands issued in past. *Cross v. David Vacco Chomick*, #19-0577 (8 pages).

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Reprimand issued by stipulated disposition pursuant to P.B. § 2-82(d) for violation of Rule 4.2 where attorney admits that he communicated with a party about the subject of representation despite being aware that the party was represented by another lawyer. The other lawyer did not consent to the communication. Attorney ordered to take three hours of in-person CLE in Legal Ethics in addition to the annual requirements of Practice Book Section 2-27A. *Stamford-Norwalk Grievance Panel v. Phillip T. Newbury, Jr.*, #19-0584 (11 pages).

Reprimand issued by stipulated disposition pursuant to P.B. § 2-82(d) for violation of Rules 1.1, 1.3, and 1.4 where attorney admits that he neglected client's file, failed to communicate with client, and did not provide competent representation to client. Attorney ordered to take six hours of in-person CLE in Legal Ethics in addition to the annual requirements of Practice Book Section 2-27A. *Powell-Garba v. Raymond T. Trebisacci*, #19-0779 (10 pages).

Reprimand issued by stipulated disposition pursuant to P.B. § 2-82(d) for alleged violation of Rules 1.5(a), 1.5(b), and 8.4(3) where attorney acknowledges that there is sufficient evidence to prove the facts constituting said violation. Attorney ordered to submit fee dispute at issue to fee arbitration. *Herbert v. Robert A. Schrage*, #20-0121 (10 pages).

Presentment for consolidation ordered by agreement pursuant to P.B. § 2-82(g) where attorney had another presentment pending and probable cause was found that attorney violated Rules 1.15(b) and 8.1(2). *Bowler v. Keith v. Sitnick*, #21-0019 (8 pages).

Reprimand issued by stipulated disposition pursuant to P.B. § 2-82(d) where attorney acknowledges that there is sufficient evidence to prove the facts constituting a violation of Rules 1.1, 1.3, 1.4(a)(3), 1.4(a)(4), and 1.15(e). Attorney ordered to make restitution to client in the amount of \$1,500. *Griffin v. Daniel F. Roper*, #19-0718 (10 pages).

Reprimand issued by stipulated disposition pursuant to P.B. § 2-82(d) for violation of Rules 1.5(b), 1.6(a), 1.7, 1.14(b), and 3.7(a) where attorney acknowledges that there is sufficient evidence to prove that he: (1) did not have a written fee agreement with client, (2) disclosed client's personal and confidential financial information without authorization, (3) had a conflict of interest, (4) failed to use adequate protective measures regarding client's health issues, and (5) acted as an advocate in a probate proceeding that he would likely have to be a witness in. Attorney represented that he is no longer practicing law and agreed to file an Attorney Permanent Retirement Written Notice (form JD-GC-26) with the Statewide Bar Counsel. *Gilbertson v. A. Reynolds Gordon*, #19-0263 (11 pages).

Reprimand issued by stipulated disposition pursuant to P.B. § 2-82(d) where attorney acknowledges that there is sufficient evidence to prove the facts constituting a violation of Rules 1.5(b), 1.8(a)(1), 1.8(a)(2), 1.8(a)(4), 1.15(b), 1.15(e), 8.1(2), and 8.4(4). Attorney ordered to make restitution to client in the amount of \$3,000. *Mercier v. William A. Lichtenfels*, #19-0386 (12 pages).

Reprimand issued by stipulated disposition pursuant to P.B. § 2-82(d) where attorney acknowledges that there is sufficient evidence to prove the facts constituting a violation of Rules 1.5(a) and 1.5(b). Attorney ordered to make restitution to client in the amount of \$2,000. *Every v. Suzann L. Beckett*, #18-0522 (11 pages).

Presentment ordered for violation of Rules 1.5(b), 1.15, 8.1(2), 8.4(3), and 8.4(4) and P.B. § 2-32(a)(1) where attorney accepted a retainer fee to probate an estate and then failed to perform any services to that end. Attorney also failed to enter into a written fee agreement, failed to provide billing statements or accountings of the retainer fee, failed to adequately communicate with her client regarding the matter, and failed to answer the grievance complaint. *Gebo v. Tina Ann Locasto*, #19-0629 (8 pages).

Reprimand issued for violation of Rules 1.5(b), 1.15(j), 5.4(a), and 8.4(1) where attorney failed to enter into and retain a separate written fee agreement, impermissibly shared his legal fee with an online legal marketplace, UpCounsel, and misrepresented his firm's name on his 2020 attorney registration. Attorney ordered to take three hours of in-person CLE in Legal Ethics and two hours of in-person CLE in Law Office Management in addition to the annual requirements of Practice Book Section 2-27A. *Wood v. Thomas J. Love, Jr.*, #19-0338 (15 pages).

Reprimand issued for violation of Rules 3.1, 3.4(7), 4.4(a), 8.4(3), and 8.4(4) where, in attempting to collect a judgment for his client, attorney made degrading statements about the opposing counsel and her competency to practice law and threatened to file grievance against opposing counsel and report complainant to Immigration and Customs enforcement. Attorney ordered three hours of in-person CLE in Legal Ethics and three hours of in-person CLE in Civil Litigation in addition to the annual requirements of Practice Book Section 2-27A. *Fairfield J.D. Grievance Panel v. Zachary T. Lawrence*, #19-0181 (12 pages).

Reprimand issued by stipulated disposition pursuant to P.B. § 2-82(d) for violation of Rules 1.5(b), 1.15(e), and 8.4(4)

where attorney admits that he did not have a written fee agreement with complainant, failed to return funds to complainant in a timely manner, and served the opposing party with a writ, summons, and complaint at an address that he knew the party no longer resided at. Attorney ordered to make restitution to complainant in the amount of \$2,000. *Wirta v. Frank J. Romeo, III*, #19-0517 (10 pages).

Reprimand issued by stipulated disposition pursuant to P.B. § 2-82(d) where attorney acknowledges that there is sufficient evidence to prove the facts constituting a violation of Rules 1.1, 1.5(a), 1.5(b), and 1.15(b). Attorney ordered to take three hours of in-person CLE in IOLTA Management and three hours of in-person CLE in Criminal Law in addition to the annual requirements of Practice Book Section 2-27A. *Raboin v. Christopher Parker*, #19-0714 (12 pages).



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Reprimand issued for violation of Rules 1.3, 1.4, 1.15(b), and 8.1(2) and Practice Book Section 2-32(a)(1) where attorney failed to pursue a motion to modify and to timely object to a motion to dismiss, failed to keep client adequately informed about the matter, failed to keep client's retainer in a separate client's funds account, and failed to answer grievance complaint without good cause. Attorney ordered to take three hours of in-person CLE in Law Office Management and three hours of in-person CLE in IOLTA Account Management in addition to the annual requirements of Practice Book Section 2-27A. Attorney had been reprimanded by the committee on two prior occasions. *Ciurcina v. Alisha C. Mathers*, #19-0769 (10 pages).

Presentment for consolidation ordered by agreement pursuant to P.B. § 2-82(g) where attorney had another presentment pending and probable cause was found that attorney violated Rules 5.5(b)(2), 8.1(2), and 8.4(4) and Practice Book Section 2-32(a)(1). Attorney failed to register for 2021 with the committee and was not in good standing at the time of this decision. *Izzo v. Keisha S. Gatison*, #19-0783 (8 pages).

Presentment for consolidation ordered by agreement pursuant to P.B. § 2-82(g) where attorney had another presentment pending and probable cause was found that attorney violated Rules 8.1(1), 8.1(2), and 8.4(4), and Practice Book Sections 2-32(a)(1) and 2-27(d). Attorney failed to register for 2021 with the committee and was not in good standing at the time of this decision. *Izzo v. Keisha S. Gatison*, #19-0766 (8 pages).

Presentment for consolidation ordered by agreement pursuant to P.B. § 2-82(g) where attorney had another presentment pending and probable cause was found that attorney violated Rules 1.15(b), 8.1, 8.1(1), and 8.1(2) and Practice Book Sections 2-27, 2-27(d), 2-28, and 2-32(a)(1). *Slack v. Lisa C. Roberts*, #21-0218 (8 pages).

Presentment for consolidation ordered by agreement pursuant to P.B. § 2-82(g) where attorney had another presentment pending and probable cause was found that attorney violated Rules 1.15(b), 8.1, 8.1(1), and 8.1(2) and Practice Book Sections 2-27, 2-27(d), 2-28, and 2-32(a)(1). *Slack v. Lisa C. Roberts*, #21-0265 (8 pages).

Presentment ordered for violation of Rules 1.15(b) and 8.4(4) and Practice Book Section 2-32(a) where attorney failed to honor letter of protection and remit payment to client's medical provider. Upon disbursing settlement funds to client, attorney withheld \$2,960 of client's funds for the purpose of reimbursing said medical provider. *Duque v. Jose Luis Altamirano*, #21-0012 (7 pages).

Presentment ordered for violation of Rules 1.3, 1.4(a), 1.5(a), 1.15(b), 1.16(d), 8.1(2), 8.4(3), 8.4(4) and Practice Book Section 2-32(a)(1) where attorney charged client \$3,000 to represent client in divorce proceeding and, after filing the initial lawsuit, attorney abandoned the case, stopped communicating with his client, and took no further action in representing the client or furthering the case. Attorney was already under suspension arising from prior grievance complaints. *Rotatori v. Jose Luis Altamirano*, #20-0026 (7 pages).

Reprimand issued for violation of Rules 1.3, 1.4, 1.5(a), 1.15(b), 1.15(d), and 8.1(2) and Practice Book Section 2-32(a)(1) where attorney failed to actively pursue custody matter after filing initial appearance and seeking custody evaluation, failed to appear in court, failed to keep client adequately informed about the matter, failed to keep client's retainer in a separate client's funds account, and failed to answer grievance complaint without good cause. Attorney ordered to submit fee dispute at issue to fee arbitration. Attorney had been reprimanded by the committee on two prior occasions. *Lewis-Golden v. Alisha C. Mathers*, #20-0135 (9 pages). ■