

# Professional Discipline Digest

VOLUME 31 NUMBER 4 | By CONOR A. SCALISE

**Reprimand** issued for violation of Rules 3.3(a)(1), 8.2(a), 8.4(3), and 8.4(4) where attorney consistently and falsely characterized a hearing as a sentencing hearing in a complaint filed with the Judicial Review Council in which the attorney accused the Complainant, a superior court judge, of failing to allow victim testimony in a case involving attorney's daughter. In response to the Complainant's subsequent grievance complaint, attorney proceeded to make unsupported allegations regarding the character and integrity of the complainant. *Newson v. Christopher D. Parker*, #19-0339 (9 pages).

**Reprimand** issued by Stipulated Disposition for violation of Rule 8.1 and Practice Book Section 2-32(a)(1) where attorney, who was not in good standing during the pendency of the disciplinary proceeding, failed to answer the grievance complaint and failed to respond to "the overdraft." Attorney reprimanded pursuant to Practice Book Section 2-37(a). *Bowler v. Frederick A. Boland*, #20-0140 (8 pages).

**Presentment** for consolidation ordered by agreement where attorney had other disciplinary matters pending and probable cause was found that attorney violated Rules 1.3, 1.4, 1.5, and 8.4(3). *Flathers v. James R. Hardy II*, #20-0047 (6 pages). See *Malone v. James R. Hardy II*, #19-0668 (6 pages); *Kerr v. James R. Hardy II*, #19-0380 (6 pages); *Chambless v. James R. Hardy II*, 19-0788; *Bermudez v. James R. Hardy II*, #19-0799 (6 pages); *Hurdle v. James R. Hardy II*, #21-0033 (6 pages); *Henry v. James R. Hardy II*, #21-0275 (6 pages); *Evans v. James R. Hardy II*, #21-0052 (6 pages).

**Reprimand** issued by Stipulated Disposition for violation of Rules 1.5(b), 8.1(1), and 1.16(d) where attorney admitted to not having a completed written fee agreement with complainant, misstated to the court the fee agreement provided to the complainant, and failed to promptly return complainant's file and papers upon termination of representation. Attorney ordered to take three hours in-person CLE in Legal Ethics in addition to annual requirements of Practice Book 2-27A and to make restitution to complainant in the amount of \$1,800. *Napolitano v. Marjorie R. Gruszkiewicz*, #20-0320 (10 pages).

**Reprimand** issued by Stipulated Disposition where attorney acknowledges that there is sufficient evidence to prove the facts constituting violation of Rules 1.15(b) and 1.7(a)(2). *Orlando v. Robert J. Connelly*, #18-0775 (7 pages).

Stipulated Sanctions where attorney acknowledges that there was clear and convincing evidence of violation of Rules 1.3, 1.4, 1.5(a), 1.15(d), 8.1 and Practice Book Section 2-32(a)(1). Attorney ordered to take 3 hours of in-person CLE in Legal Ethics in addition to annual requirements of Practice Book 2-27A. *Burgos v. Paul S. Taub*, #20-0232 (10 pages).

**Reprimand** issued by Stipulated Disposition where attorney acknowledges that there was clear and convincing evidence of violation of Rules 1.3, 1.4, 1.5(a), 1.15(d), 1.16(d), 3.3(a)(1), 8.1, 8.4(2), 8.4(3), 8.4(4) and Practice Book Section 2-32(a). *Whitley v. Paul S. Taub*, #19-0715 (8 pages).

**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).

**Reprimand** issued for violation of Rule 8.1(2) and Practice Book Section 2-32(a)(1) where attorney failed to establish good cause for her failure to respond to the grievance complaint. Attorney ordered to take three hours of in-person CLE in Legal Ethics in addition to annual requirements of Practice Book 2-27A. *Onofrio v. Nickola J. Cunha*, #20-0364 (7 pages).

**Presentment** ordered for violation of Rules 3.3(a)(1), 3.4(5), 3.4(7), 4.4(a), 8.4(1), 8.4(3), and 8.4(4) where attorney knowingly made false statements to a court and to the Committee in which she misrepresented the law and accused the

complainant of a crimes without any factual or legal basis supporting her allegations. The Committee further concluded that attorney's conduct was prejudicial to the administration of justice as the false statements made under oath designed solely to obtain an advantage in a family court matter and had no substantial purpose other than to embarrass, delay, or burden the complainant. *Cousineau v. Nickola J. Cunha*, #19-0649 (8 pages).

**Reprimand** issued for violation of Rules 8.1(2), 8.4(4) and Practice Book Section 2-32(a)(1) where attorney gave the complainant, a state marshal, a check for his services from an account with insufficient funds and subsequently failed to answer the grievance complaint. Attorney ordered to take three hours of in-person CLE in Law Office Management in addition to annual requirements of Practice Book 2-27A. *Lyons v. Brian A. DeSautels*, #20-0470 (6 pages).

**Reprimand** issued for violation of Rules 1.5(b) and 8.1(2) and Practice Book Section 2-32(a)(1) where attorney failed to provide client with a written fee agreement and failed to file an answer to the grievance complaint. Attorney ordered to take three hours of in-person CLE in Law Office Management in addition to annual requirements of Practice Book 2-27A. *Martin v. Loida Deborah John-Nicholson*, #19-0748 (5 pages).

**Presentment** ordered for violation of Rules 1.1, 1.3, and 8.1(2) and Practice Book Section 2-32(a)(1) where attorney representing incarcerated individual in a Petition for New Trial failed to serve written discovery requests, failed to take the deposition of a key witness that potentially had information that substantiated the claims made by complainant in his Petition, and failed to file an answer to the grievance complaint. Notably, the retainer paid to attorney by complainant included \$500 in costs for the deposition of said key wit-

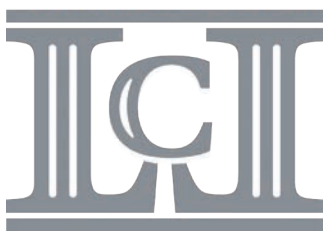
ness. *Torres v. Thomas M. Gotimer*, #20-0435 (7 pages).

**Reprimand** issued for violation of Rule 8.1(2) and Practice Book Section 2-32(a)(1) where attorney failed to file an answer to the grievance complaint and failed to respond to a demand for information from the Office of Chief Disciplinary Counsel. *Brown v. Thomas M. Gotimer*, #20-0366 (7 pages).

**Reprimand** issued for violation of Rules 1.15(b), 1.15(d), 1.15(f), 1.16(d), and 8.4(3) where attorney failed to deposit client's funds into an IOLTA account and depositing them instead into his own personal account, failed to refund unearned fees to client, and conditioned the refund of unearned fees on the receipt of a Release from client. Attorney ordered to take three hours of in-person CLE in Legal Ethics in addition to annual requirements of Practice

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Book 2-27A and further ordered to pay restitution to client in the amount of \$244.50. *Shcheglovitov v. Walter D. Zitzkat*, #19-0575 (9 pages). ■

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## Time To Go Pro Bono

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and those friends may continue to feel the ill-effects of poverty, but maybe they will continue to have faith that the law protects them as it does every other member of society. And, in the end, that benefits all of us. ■

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### NOTES

- 1 Connecticut Rule of Professional Responsibilities 6.1.
- 2 ABA Model Rule 6.1.
- 3 <https://justicegap.lsc.gov/the-report>.
- 4 <https://www.americanprogress.org/data-view/poverty-data/poverty-data-map-tool/>; [www.census.gov/quickfacts/fact/table/CT/IPE1202](http://www.census.gov/quickfacts/fact/table/CT/IPE1202).
- 5 <https://worldjusticeproject.org/world-justice-challenge-2022/access-justice>.
- 6 [www.aids-ct.org/hic-pit-2023.html](http://www.aids-ct.org/hic-pit-2023.html).
- 7 [www.americanbar.org/groups/public\\_education/resources/rule-of-law/](http://www.americanbar.org/groups/public_education/resources/rule-of-law/).
- 8 *R. Stein*, 57 *Houston Law Review*, 185, 196 (2019).

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## DE&I

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- ▶ The organization provides work time or billable hour credit recognition for its attorneys to participate in DE&I efforts.
- ▶ The organization has provided multiple trainings within the past two years addressed to issues of DE&I, improper bias, or similar topics.
- ▶ The organization provides support to local and national affinity bar associations, through attorney participation, financial, or other in-kind support.
- ▶ The organization participates, individually and organizationally, in legal pipeline and mentorship programs designed to promote DE&I within the legal profession.
- ▶ The organization ensures diversity in any group making hiring or promotion decisions for the organization.
- ▶ The organization ensures that all attorneys are able to participate equally in formal and informal sponsorship, mentorship, and leadership development opportunities within the organization.

### Step Three: Advanced

An organization at Step Three of its DE&I journey will demonstrate its implementation of a significant number of action items in Steps One and Two, as well as some of the efforts described below:

- ▶ The organization incorporates DE&I directly into its mission advancement efforts, through its work, pro bono efforts, or other organizational programs.
- ▶ The organization demonstrates the retention and advancement of diverse attorneys within the organization over time.
- ▶ The organization demonstrates the meaningful representation of diverse attorneys within the leadership structures of the organization.
- ▶ The organization participates in external DE&I certification programs, such as the Mansfield Rule.
- ▶ The organization maintains a dedicated professional position committed to the organization's diversity, equity, and inclusion efforts.

- ▶ The organization assesses its leadership for inclusive leadership traits and evaluates its leadership on the provision of mentorship and sponsorship to attorneys within the organization.
- ▶ The organization regularly conducts DE&I training and education for attorneys within the organization pursuant to a consistent education and training plan implemented over a course of years.
- ▶ The organization supports its attorneys who engage in leadership roles within affinity bar associations, external DE&I organizations, and initiatives.
- ▶ The organization organizes and sponsors its own mentorship and pipeline initiatives, designed to promote diversity, equity, and inclusion within the legal profession.
- ▶ The organization's DE&I Committee leadership or other DE&I professional is directly engaged in the executive decision-making of the organization. ■