

# Professional Discipline Digest

VOLUME 34 NUMBER 1 | By JOHN Q. GALE

**Reprimand** issued by agreement for probable cause finding of violation of Rule 1.5. Attorney will provide Disciplinary Counsel and clients with an updated retainer/engagement agreement within 60 days and pay complainant restitution of \$500 within 30 days. *Hyman v. Marshal David Gibson*, #23-0310.

**Reprimand** issued by agreement for violation of Rules 1.15, 8.1(2) and 8.4(4) and Practice Book Section 2-27. Attorney agrees to take 2 hours of CLE in IOLTA account management within 3 months in addition to annual CLE requirements. *Staines v. Sally Lynn Pruitt*, #23-0264.

**Reprimand** issued by agreement for probable cause finding of violation of Rules 1.15, 8.1 and 8.1(2) and Practice Book Sections 2-27 and 2-32(a)(1). Attorney agrees to submit to an audit of his IOLTA account looking backward for two years and quarterly thereafter for one year and to retain services of an accountant / bookkeeper for these purposes. *Slack v. Donald Crew McPartland*, #23-0231.

**Presentment** ordered for violation of Rules 1.1, 1.2(a), 1.3, 1.4(a)(2), 1.4(a)(3), 1.4(a)(4), 1.4(b), 1.5(b), 1.15(b), 1.15(e), 1.15(j)(3), 1.16(d), 3.2, 8.4(1) and 8.4(3) where attorney, with a substantial history of discipline, engaged by client to probate the estate of her deceased mother failed to provide an engagement letter, lost original documents including an original Will for over a year, failed to tell client of loss, failed to communicate with client, failed to respond to client's attempts at communication, continued to represent client during a period of suspension (for other reasons) without notifying client of suspension, failed to return documents to client upon termination of representation, and failed to notify probate court of existence of original Will. *Murphy v. Michael A. Peck*, #23-0199.

**Presentment** ordered for violation of Rules 1.1, 1.3, 1.4(a)(2), 1.4(a)(3), 1.4(a)(4) and 8.1(2) and Practice Book Section 2-32(a)(1) where attorney, with a substantial history of discipline, engaged by client to represent client in criminal matter failed to appear in court, failed to notify client of his non-appearance, failed to communicate with client, failed to provide client with requested discovery, failed to provide client with updates on case, and failed to answer grievance complaint. Attorney's motion to dismiss proceeding based upon fact that he was already suspended was denied. *Morales v. Corey Allen Heiks*, #23-0007.

**Presentment** ordered for violation of Rule 8.1(2) and Practice Book Section 2-32(a)(1) where attorney, with a substantial history of discipline, engaged by client to represent client in child support and custody matter failed to respond to disciplinary counsel's request for IOLTA records and failed to answer grievance complaint. Complainant did not appear for hearing and attorney asserted Fifth Amendment throughout the hearing, so further findings were limited by the record. Attorney failed to pay small claims judgment of client for return of retainer monies; Disciplinary Counsel therefore directed to add violation of Rule 8.4(4) to presentment. *Capeles v. Corey Allen Heiks*, #22-0693.

**Presentment** ordered for violation of Rules 1.1, 1.3, 1.4(a)(2), 1.4(a)(3), 1.4(a)(4), 1.4(b), 1.5(b), 1.15(e), 1.15(j), 1.15(j)(3), 1.16(d), 3.2 and 8.4(3) where attorney, engaged by client to pursue legal action against care providers for client's son, failed to file suit; failed to notify client of his failure to file suit; failed to communicate with client and keep client reasonably informed; failed to prepare an engagement letter; failed to return file to client upon request; and, for 6 years, allowed client to believe suit was filed. *Grainger v. Joseph S. Hubicki*, #22-0669.

**Prepared by CBA Professional Discipline Committee members** from public information records, this digest summarizes decisions by the State-wide 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 by agreement for probable cause finding of violation of Rule 1.15(b). Attorney agrees to take 2 hours of in-person CLE in IOLTA account management within 9 months in addition to annual CLE requirements. Attorney must open a new IOLTA account and provide quarterly reconciliations to the Grievance Committee. *Slack v. Lawrence Thomas Somma*, #22-0340.

**Reprimand** issued for violation of Rules 4.1, 4.4(a), 8.1(2), 8.4(1), 8.4(3) and 8.4(4) where attorney, as successor counsel in personal injury matter, failed to notify prior counsel of settlement; failed to protect and pay prior counsel's fee in accordance with Formal Opinion 31; and failed to respond

*Continued on page 36 →*

to prior counsel and Disciplinary Counsel's requests for details of the settlement. *Millman v. William John Hennessey*, #23-0165.

**Discipline** imposed under Practice Book Section 2-37(a)(5) for violation of Rules 1.8(h)(1), 1.8(h)(2), 3.3(a)(1) and 8.4(4) where attorney, who was alleged to have taken a \$750 retainer to draft a Will, denied receiving the retainer, denied meeting the proposed testatrix and did not draft any Will. When complainant daughter sought the Will after the death of her mother, attorney paid her the sum of \$750 requiring her to sign an agreement prospectively limiting his liability although daughter was not represented by other counsel. Attorney ordered to take 6 hours of in-person CLE in ethics within one year in addition to annual

CLE requirements. *Williamson v. Jamaal T. Johnson*, #23-0050.

**Discipline** imposed under Practice Book Section 2-37(a)(7) for violation of Rule 1.15(b) where attorney, with no intent or harm to any client, failed to keep accurate ledgers for all client's funds in his IOLTA and failed to remove earned fees in a timely manner. Attorney ordered to provide quarterly audit reports of his IOLTA for two years. Panel noted Respondent's dedication and service to his clients. *Slack v. Jeremiah Nii-Amaa Ollennu*, #23-0122.

**Discipline** imposed under Practice Book Section 2-37(a)(5) for violation of Rule 8.1(2) and Practice Book Section 2-32(a)(1) where attorney failed to respond to disciplinary complaint believing it to be fraudulently filed and, when contacted

by Disciplinary Counsel, failed to file information in accordance with procedural framework. Attorney ordered to take 2 hours of in-person CLE in ethics within 9 months in addition to annual CLE requirements. *Berrios v. Elizabeth Jane Rohback*, #22-0505.

**Reprimand** issued for violation of Rules 1.5(a), 1.5(b), 8.4(1) and 8.4(4) where attorney, in divorce matter, sought to collect a \$75,000 "bonus fee" from client after a successful mediation based upon a fee agreement which did not provide client with the ability to reject any claim for a bonus. Client had paid attorney's firm \$96,000, not including any bonus. Client ultimately sought new counsel who finalized matter substantially in accord with the mediation results. *Dangremond v. Jeffrey Hill*, #22-0158.

## Taming the Legal Ego Continued from page 27

It allows attorneys to practice from a place of centered awareness rather than anxious attachment. Attorneys can focus their energy on the task at hand, rather than on defending themselves or on the fears and insecurities that can come from that inner voice. From this space, legal work becomes something attorneys do rather than something they are. Challenges are viewed on parity with success, both contributing to our growth.

As Michael Singer writes: "There is nothing more important to true growth than realizing that you are not the voice of the mind—you are the one who hears it." For attorneys whose minds are particularly active and whose professional identity is particularly strong, this realization can be profoundly liberating.

The legal profession requires its practitioners to construct and inhabit an identity defined by analytical prowess, adversarial readiness, and perfectionist standards. Witness consciousness offers a pathway to practicing law skillfully while shedding the identity that can often cause anxiety and stress. Reminding us that beneath the suits, arguments, and legal brilliance exists a consciousness that witnesses it all, untouched by the day's perceived victories and defeats.

This separation of professional identity from authentic self may be the most powerful wellbeing practice available to attorneys in a profession that demands so much of mind and spirit. ■



**Tanyee Cheung** is a debt finance partner at Finn Dixon & Herling LLP and is chair of her firm's Wellness Committee. Attorney Cheung received her Master's in applied positive psychology from the University of Pennsylvania and is a certified positive psychology coach and sleep coach. You can connect with Attorney Cheung at [tan@thronow.com](mailto:tan@thronow.com).

## The Newest "Dirty Words" Continued from page 35

<sup>15</sup> See *id.*

<sup>16</sup> See Kiara Alfonseca, *These Companies are Standing By Their DEI Policies Amid Backlash*, ABCNEWS (Jan. 23, 2025, 9:20PM), <https://abcnews.go.com/Business/companies-sticking-dei-amid-backlash/story?id=118037109>.

<sup>17</sup> See *id.*

<sup>18</sup> Judge Largely Blocks Trump's Executive Orders Ending Federal Support for DEI Programs, ASSOCIATED PRESS (Feb. 21, 2025, 9:01PM), <https://www.npr.org/2025/02/21/nx-s1-5305287/trump-dei-programs-executive-order-judge>.

### CLASSIFIEDS

**WHEN NURSING HOME CARE TURNS CRUEL, WE ACT.** Assisted living abuse and neglect cases require experience, compassion, and relentless advocacy. Trust us with your toughest cases statewide. Your clients deserve justice – **we pay generous referral fees.** Contact **Jeremy D'Amico**, D'Amico & Pettinicchi, at (860) 945-6600 or [jeremy@dplawct.com](mailto:jeremy@dplawct.com).

**A LIFE LOST. A VOICE SILENCED. WRONGFUL DEATH.** We fight for families in Connecticut wrongful death cases statewide. Experienced. Fierce. Compassionate. **We pay generous referral fees.** Contact former CT Trial Lawyers Association President **Mike D'Amico**, at D'Amico & Pettinicchi, at (860) 945-6600 or [mike@dplawct.com](mailto:mike@dplawct.com)

**JUSTICE FOR THE INJURED.** Catastrophic injuries demand relentless trial lawyers. We handle Connecticut's toughest car/truck crashes, wrongful death, medical malpractice, premises liability, and more, statewide. **We pay generous referral fees.** Contact **Tom Pettinicchi**, D'Amico & Pettinicchi, at (860) 945-6600 or [tom@dplawct.com](mailto:tom@dplawct.com).

**CATASTROPHIC PERSONAL INJURY.** Life-altering loss? Serious injuries demand serious representation. We take on Connecticut's most complex injury and malpractice cases, statewide. Proven results, maximum recovery. **Partner with us – we pay generous referral fees.** Contact former CT Trial Lawyers Association President **Mike D'Amico**, at D'Amico & Pettinicchi, at (860) 945-6600 or [mike@dplawct.com](mailto:mike@dplawct.com).