



STATE OF CONNECTICUT  
JUDICIAL BRANCH

**STATEWIDE GRIEVANCE COMMITTEE**

Michael P. Bowler, *Statewide Bar Counsel*

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East Hartford, CT 06118-1885  
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Judicial Branch Website: [www.jud.ct.gov](http://www.jud.ct.gov)

Office of the Chief Disciplinary Counsel  
100 Washington Street  
Hartford, CT 06106

Attorney Mitchell A. Cohen  
43 Woodland Street  
Suite 500  
Hartford, CT 06105

RE: Grievance Complaint #06-0935, Kirsch v. Cohen

Dear Chief Disciplinary Counsel and Respondent:

Pursuant to Practice Book §2-82, the undersigned, duly-appointed reviewing committee of the Statewide Grievance Committee, has reviewed the *Admission of Conduct and Discipline by Consent* filed March 28, 2007 and submitted for approval in the above referenced matter. After careful consideration of the *Admission of Conduct and Discipline by Consent*, the Affidavit of the Respondent submitted pursuant to Practice Book §2-82(d) and the entire record, and after conducting a hearing pursuant to Practice Book §2-82(b) on April 4, 2007, the undersigned hereby APPROVE the *Admission of Conduct and Discipline by Consent*, a copy of which is attached hereto. Accordingly, the disposition agreed to by the Chief Disciplinary Counsel and the Respondent in the above referenced matter and set forth in the *Admission of Conduct and Discipline by Consent*, is hereby made an order of this reviewing committee. The Respondent is reprimanded.

So ordered.

cc: Randy A. Kirsch  
Attorney Edward Czaczkes  
Attorney John Quinn

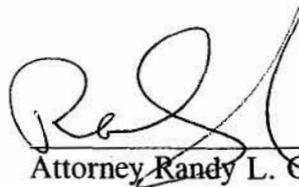
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DECISION DATE: 5/4/07

Grievance Complaint #06-0935

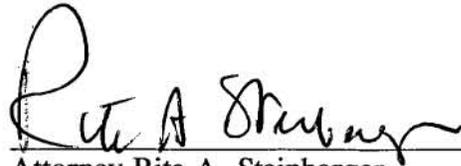
Decision

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A handwritten signature in black ink, appearing to read 'Randy L. Cohen', is written over a horizontal line. The signature is stylized and cursive.

Attorney Randy L. Cohen

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Attorney Rita A. Steinberger

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Mr. William Murphy

**STATEWIDE GRIEVANCE COMMITTEE**

**GRIEVANCE COMPLAINT NO. 06-0935**

**RANDY A. KIRSCH**  
Complainant

v.

**MITCHELL A. COHEN**  
Respondent

MAR 28 2007

**ADMISSION OF CONDUCT AND DISCIPLINE BY CONSENT**

Pursuant to Practice Book § 2-82, the undersigned Respondent, Mitchell A. Cohen, and Disciplinary Counsel stipulate and agree as follows:

1. This matter was instituted by a grievance complaint filed by the Complainant, Randy A. Kirsch, on November 3, 2006.
2. On December 20, 2006, the Hartford Judicial District Grievance Panel found probable cause that Attorney Cohen violated Rules 1.3 (Diligence) and 1.4 (Communication) of the Rules of Professional Conduct in the representation of Randy Kirsch for the general discharge of his unsecured debts as well as discharge of student loans owed to Sallie Mae and the U.S. Department of Education. On February 20, 2007, the Reviewing Committee, acting pursuant to Practice Book §2-35(c), found that there was also probable cause that Attorney Cohen violated Rules 1.5(b) (Written Fee Agreement) and 1.16(d) (Terminating Representation) in his representation of Randy Kirsch.
3. Attorney Cohen has tendered an admission of conduct in accordance with his affidavit attached hereto, acknowledging that he violated Rule 1.5(b) of the Rules of Professional Conduct.
4. Attorney Cohen acknowledges that he verbally agreed in a telephone conversation with Paula Kirsch, wife of Randy Kirsch and Randy Kirsch's attorney-in-fact, to represent Randy Kirsch in obtaining a general discharge of his unsecured debts as well as obtaining the discharge of student loans owed to Sallie Mae and the U.S. Department of Education. Attorney Cohen and Paula Kirsch verbally agreed to a fee of \$750. Later, Attorney Cohen listed the fee in the bankruptcy filing as \$700.

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5. Attorney Cohen acknowledges that he did not execute a written fee agreement with either Paula or Randy Kirsch, in violation of Rule 1.5(b).
6. With respect to the alleged violation of Rule 1.3, Attorney Cohen acknowledges that the hearing to re-open the bankruptcy proceeding was rescheduled three times; twice for lack of proper notice and once because Attorney Cohen's presence was required elsewhere at a court proceeding for another client.
7. With respect to the alleged violation of Rule 1.4, Disciplinary Counsel found that Attorney Cohen did communicate with Mr. Kirsch, his spouse, Paula Kirsch, and his son, Brion Kirsch, when there were affirmative developments in the proceedings. Attorney Cohen did not immediately return a substantial number of phone calls, e-mails, and letters from Mr. Kirsch, Ms. Kirsch and Brion Kirsch when proceedings had been delayed and there were no affirmative developments. Nonetheless, the Kirsches were dissatisfied with the degree of communication throughout Attorney Cohen's representation.
8. With respect to the alleged violation of Rule 1.16(d), Attorney Cohen has stated in the attached affidavit that he turned over to Paula Kirsch all paperwork in his possession related to his representation of Randy Kirsch, including all affidavits made in the course of the general bankruptcy proceeding and in pursuit of the discharge of the student loans. Attorney Cohen acknowledges that a month elapsed between the date on which he was notified of his termination by letter from Randy Kirsch, and the date on which he turned over Randy Kirsch's file to Paula Kirsch.
9. Disciplinary Counsel recommends that Attorney Cohen be reprimanded for the violation of Rule 1.5(b) (Written Fee Agreement).
10. Pursuant to Practice Book Section 2-82(e), Disciplinary Counsel recommends that the Statewide Grievance Committee dismiss the charges that Attorney Cohen violated Rules 1.3 (Diligence), 1.4 (Communication), and 1.16(d) (Terminating Representation).
11. Complainant Randy Kirsch has been advised of this Admission of Conduct and Discipline by Consent and objects to dismissal of the charges of Rule 1.3, 1.4, and 1.16(d) violations. Mr. Kirsch does not intend to make a statement before the Committee.

WHEREFORE, this matter is submitted to this Committee for the Imposition of appropriate disposition in accordance with Practice Book § 2-82(a).

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Office of Disciplinary Counsel

3/07/07  
Date

By:   
Mark Debols  
Chief Disciplinary Counsel

By: Respondent

3/27/07  
Date

  
Attorney Mitchell A. Cohen

AFFIDAVIT OF RESPONDENT

STATE OF CONNECTICUT )  
 ) ss. Hartford  
COUNTY OF HARTFORD )

I am over the age of 18 and believe in the obligation of an oath. Pursuant to Practice Book §2-82, I make the following affidavit:

1. The Admission of Conduct and Discipline by Consent attached hereto and made a part hereof are voluntarily submitted.
2. I herein consent to the submission of this matter to the Statewide Grievance Committee for disposition pursuant to Connecticut Practice Book §2-82(a).
3. I am aware that I have a right to a full hearing on this matter with the assistance of an attorney and I waive that right by entering into this agreement.
4. I have been subject neither to coercion nor duress and I am fully aware of the implications of this Affidavit and Admission of Conduct and Discipline by Consent.
5. I am aware of the current proceeding regarding my alleged violation of Rules 1.3 (Diligence), 1.4 (Communication), 1.5(b) (Written Agreement, and 1.16(d) (Terminating Representation), as they specifically relate to my representation of Randy Kirsch.
6. I represented Randy Kirsch in a general bankruptcy proceeding discharging his unsecured debts, and in the discharge of student loans owed to Sallie Mae and the U.S. Department of Education. Randy Kirsch requested that I represent him in a letter dated July 7, 2004. I verbally agreed to represent him in a general discharge of his debts and the discharge of the student loans in a conversation with Paula Kirsch, who I understood to be Randy Kirsch's attorney-in-fact. In that conversation, Paula Kirsch and I agreed to a fee of \$750.
7. I agree that I violated Rule 1.5(b) (Written Fee Agreement) by failing to execute a written fee agreement with Randy Kirsch.
8. I hereby verify that I do not have in my possession any affidavits or other documents from the file of Randy Kirsch that I have not turned over to Randy

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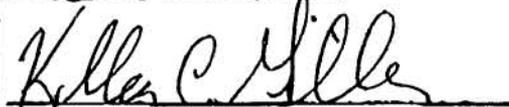
Kirsch, Paula Kirsch, or Attorney Ronald Chorches.



ATTORNEY MITCHELL A. COHEN

Subscribed and sworn to before me

this 27<sup>th</sup> day March, 2007.



Notary Public  
Commissioner of the Superior Court

**KOLLEEN C. GILLIS**  
**NOTARY PUBLIC**  
MY COMMISSION EXPIRES MAR. 31, 2009



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