

STATEWIDE GRIEVANCE COMMITTEE

Aaron Slade
Complainant :
vs. : Grievance Complaint #07-0545
Heidi J. Alexander
Respondent :

DECISION

Pursuant to Practice Book §2-35, the undersigned, duly-appointed reviewing committee of the Statewide Grievance Committee, conducted a hearing at the Superior Court, 80 Washington Street, Hartford, Connecticut on November 1, 2007. The hearing addressed the record of the complaint filed on June 7, 2007, and the probable cause determination filed by the Middlesex Judicial District Grievance Panel on September 5, 2007, finding that there existed probable cause that the Respondent violated Rules 1.2(a), 1.3, and 1.4(a) and (b) of the Rules of Professional Conduct and Practice Book §2-32(a)(1).

Notice of the hearing was mailed to the Complainant, to the Respondent and to the Office of the Chief Disciplinary Counsel on September 28, 2007. Pursuant to Practice Book §2-35(d), Chief Disciplinary Counsel Mark A. Dubois pursued the matter before this reviewing committee. The Complainant appeared at the hearing and testified. The Respondent appeared and testified. Artha Slade testified as a witness. Exhibits were received into evidence.

This reviewing committee makes the following findings of fact by clear and convincing evidence:

On October 19, 2004, the Complainant retained the Respondent to represent him in connection with his claim regarding real estate in Waterbury, Connecticut. The Complainant paid the Respondent a \$500 retainer. In the spring of 2007, the Complainant telephoned the Respondent several times regarding the status of his legal matter. The Respondent responded by informing him that she had written “closed” on the file. In August of 2007, the Respondent filed suit on the Complainant’s behalf in Middletown Superior Court.

The Respondent did not file an answer to this grievance complaint.

This reviewing committee also considered the following:

The Respondent testified that she suffers from depression and had stopped taking her medication before the birth of her baby in June of 2007. The Respondent represented that she is seeking treatment for her depression. The Respondent testified that soon after being retained she reviewed documents relevant to the Complainant's legal matter, determined that he did not have a good case, and so informed him. The Respondent further testified that when she heard from the Complainant again in 2007, she then put the matter in suit in order to protect whatever case the Complainant may have. The Respondent does not have a history of professional discipline and there are no other pending grievance complaints against the Respondent.

This reviewing committee finds the following violations by clear and convincing evidence:

Noting the lack of documentation by the Respondent upon her determination in 2004 that the Complainant lacked a good case, we find that there is clear and convincing evidence that the Complainant's desire to sue was not abided by the Respondent until 2007. The Complainant's failure to promptly file the Complainant's suit constituted violations of Rules 1.1, 1.2(a) and 1.3 of the Rules of Professional Conduct. The Respondent's failure to keep the Complainant reasonably informed about the status of his legal matter constituted a violation of Rules 1.4(a) and (b) of the Rules of Professional Conduct. The Respondent's failure to file an answer to this grievance complaint constituted a violation of Practice Book §2-32(a)(1).

Accordingly, while we urge the Respondent to follow through on her representation that she will seek treatment for her depression, we advise Disciplinary Counsel to pursue an order of interim suspension and direct Disciplinary Counsel to file a presentment in the Superior Court for the imposition of whatever discipline the Court may deem appropriate.

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DECISION DATE: _____

Attorney Tracie Molinaro

Attorney John Matulis

Mr. Malcolm Forbes