



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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Attorney Mark A. Dubois  
Chief Disciplinary Counsel  
100 Washington Street  
Hartford, CT 06106

Attorney Francis J. Discala, Jr.  
11 North Main Street  
Norwalk, CT 06854

RE: Grievance Complaint #07-0996, Colombo v. Discala

Dear Chief Disciplinary Counsel and Respondent:

Pursuant to Practice Book §2-82(b), the undersigned, duly-appointed reviewing committee of the Statewide Grievance Committee, have reviewed the *Acknowledgement and Agreement as to Disposition* (hereinafter "*Agreement*") filed October 7, 2008 and submitted for approval in the above referenced matter. After careful consideration of the *Agreement*, the *Affidavit* of the Respondent submitted pursuant to Practice Book §2-82(d) and the entire record of the complaint, and after conducting a hearing pursuant to Practice Book §2-82(b) on December 2, 2008, the undersigned hereby APPROVE the *Agreement*, a copy of which is attached hereto together with the *Affidavit* of the Respondent. Accordingly, the disposition agreed to by the Chief Disciplinary Counsel and the Respondent in the above referenced matter and set forth in the *Agreement* is hereby made an order of this reviewing committee. The Respondent is reprimanded.

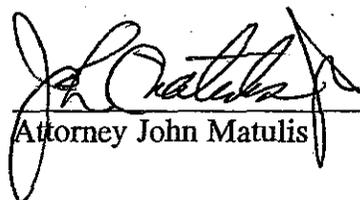
So ordered.

cc: Michael Colombo  
Attorney Michael Georgetti  
Attorney David Atkins

(8)  
asc

DECISION DATE: 1/16/09

Grievance Complaint #07-0996  
Decision  
Page 2

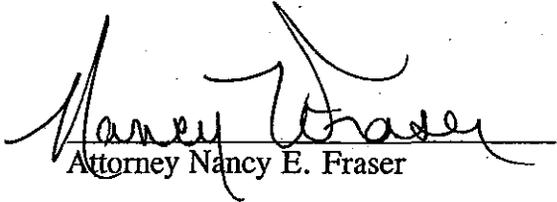


Attorney John Matulis

Grievance Complaint #07-0996

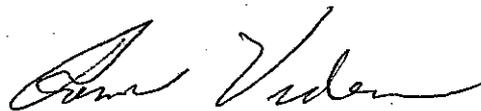
Decision

Page 3



Attorney Nancy E. Fraser

Grievance Complaint #07-0996  
Decision  
Page 4

A handwritten signature in cursive script, appearing to read "Romeo Vidone".

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Dr. Romeo Vidone

**CONNECTICUT STATEWIDE GRIEVANCE COMMITTEE**

**IN RE FRANCIS J. DISCALA, JR.**

**NO. 07-0996**

**ACKNOWLEDGEMENT AND AGREEMENT AS TO DISPOSITION**

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

1. This matter was instituted by a Grievance Complaint dated October 4, 2007.
2. By notice dated March 21, 2008, the New Haven Judicial District Grievance Panel for the Towns of Bethany, New Haven and Woodbridge found probable cause that Respondent may have violated Rule 1.8(h)(2) of the Connecticut Rules of Professional Conduct in connection with a release provided by a client.
3. The Respondent tenders this admission in accordance with his Affidavit attached hereto in which he acknowledges, as authorized by Practice Book §2-82(a)(2), there appears to be sufficient evidence to establish by clear and convincing evidence that he did not advise his client in writing to consult with independent counsel prior to accepting the settlement.
4. Respondent has been admitted to practice since 1989, and until now has not been subject to attorney discipline.

5. Respondent acknowledges he did not advise his client in writing that she should consult with another attorney before agreeing to settle any potential claim against him or his firm. Respondent further states that he understands that Rule 1.8(h)(2) requires that a client be advised in writing of the desirability of consulting with independent counsel prior to entering into an agreement regarding a potential claim, and in his firm, he has put in place procedures to ensure compliance with Rule 1.8(h)(2) in the future.

6. Respondent and the Office of Disciplinary Counsel have agreed that a reprimand is the appropriate discipline for the conduct at issue.

7. A copy of this Agreement, together with a copy of the accompanying Affidavit, will be provided to the Complainant. In accordance with Practice Book §2-82(f), Complainant has been advised of his opportunity to comment to the Reviewing Committee about this Agreement.

WHEREFORE, this matter is submitted to the Statewide Grievance Committee  
for its approval in accordance with Practice Book §2-82(b)(ii).

10/7/08  
~~July~~, 2008

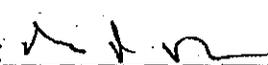
Office of Disciplinary Counsel

By: 

Mark DiBois  
Chief Disciplinary Counsel

Respondent Francis J. DiScala, Jr.

September 24, 2008  
~~July~~, 2008

By: 

\_\_\_\_\_  
Marcy Tench Stovall  
His attorney

**CONNECTICUT STATEWIDE GRIEVANCE COMMITTEE**

**IN RE FRANCIS J. DISCALA, JR.**

**NO. 07-0996**

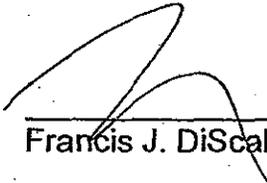
**AFFIDAVIT OF RESPONDENT FRANCIS J. DISCALA, JR.**

I am over the age of 18 and believe in the obligations of an oath. Pursuant to Practice Book §2-82(d), I state as follows:

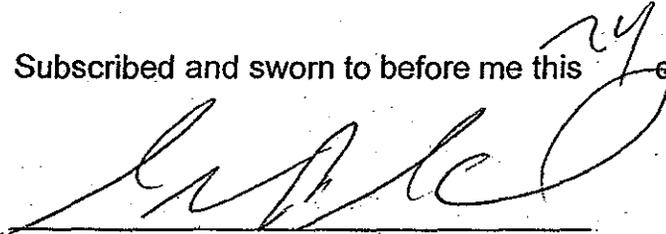
1. This Affidavit, and the attached Acknowledgement and Agreement as to Disposition ("Agreement") attached hereto, and made a part hereof, are freely and voluntarily submitted.
2. I am aware that I have the right to a full evidentiary hearing in the above-entitled matter and I waive that right by entering into this Agreement.
3. I have not been subject to any threats, coercion or duress, or any promises or inducements not set forth in the Agreement, and I am fully aware of the implications of this Affidavit and the Agreement.
4. I am aware of the current proceeding in which the Grievance Panel has found probable cause that I may have violated Rule 1.8(h)(2) of the Connecticut Rules of Professional Conduct in connection with a release provided by a client.
5. I acknowledge that there appears to be sufficient evidence for Disciplinary Counsel to establish by clear and convincing evidence that I did not advise my client in writing to consult with independent counsel prior to accepting a settlement with my firm, as required by Rule 1.8(h)(2).
6. I did not advise my client in writing that she should consult with another attorney before agreeing to settle any potential claim against me or my firm. I understand

that Rule 1.8(h)(2) requires that a client be advised in writing of the desirability of consulting with independent counsel prior to entering into an agreement regarding a potential claim. In my firm, I have put in place procedures to ensure compliance with Rule 1.8(h)(2) in the future.

7. I have been a lawyer since 1989, and until now I have never been the subject of lawyer discipline.

  
\_\_\_\_\_  
Francis J. DiScala, Jr.

Subscribed and sworn to before me this <sup>24</sup> day of July, 2008.

  
\_\_\_\_\_  
Commissioner of the Superior Court  
Notary Public: My Commission Expires \_\_\_\_\_