

STATEWIDE GRIEVANCE COMMITTEE

Garan Mullin  
Complainant

vs.

Grievance Complaint #08-0048

William A. Lichtenfels  
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, 1061 Main Street, Bridgeport, Connecticut on September 10, 2008. The hearing addressed the record of the complaint filed on January 15, 2008, and the probable cause determination filed by the New Haven Judicial District Grievance Panel for Geographical Area 7 and the towns of Branford, East Haven, Guilford, Madison and North Branford on May 2, 2008, finding that there existed probable cause that the Respondent violated Rules 1.3 and 1.4 of the Rules of Professional Conduct and the additional probable cause determination rendered by a reviewing committee of the Statewide Grievance Committee on July 1, 2008 finding that there also existed probable cause that the Respondent violated Rules 1.5(c), 1.15(a) [now 1.15(b)] and 1.15(b) [now 1.15(e)] of the Rules of Professional Conduct.

Notice of the hearing was mailed to the Complainant, to the Respondent and to the Office of the Chief Disciplinary Counsel on August 5, 2008. Pursuant to Practice Book §2-35(d), Assistant Disciplinary Counsel Suzanne Sutton pursued the matter before this reviewing committee. The Complainant appeared at the hearing and testified. The Respondent also appeared and testified. An exhibit was received into evidence.

Reviewing committee member Attorney Dominick Rutigliano was not available for the hearing. Both Disciplinary Counsel and the Respondent waived the participation of Attorney Rutigliano in this matter. Accordingly, this matter was heard and decided by the undersigned.

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

The Respondent represented the Complainant in connection with her claims for relief arising out of a motor vehicle accident in March of 2003. In October of 2006, the Complainant accepted a settlement offering the amount of \$21,000. On May 20, 2007, the Respondent disbursed settlement proceeds in the amount of \$10,167.99 to the Complainant after deducting the following unpaid medical expenses:

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American Medical Response	\$741.40
Hospital of St. Raphael	50.00
Amity Chiropractic	2420.05

As of August 21, 2008, the Complainant continued to receive collection letters because the Respondent had not paid all of the above medical expenses. As of the date of the hearing, these unpaid medical expenses have been paid.

This reviewing committee also considered the following:

The Complainant does not recall signing a written fee agreement. The Respondent testified that he had a written fee agreement with the Complainant. The Respondent has significantly reduced his practice to accommodate the needs of his ill wife.

This reviewing committee finds the following violations of the Rules of Professional Conduct by clear and convincing evidence:

The Respondent violated Rule 1.3 of the Rules of Professional Conduct by failing to promptly disburse the Complainant's settlement proceeds to the Complainant and to timely pay the Complainant's unpaid medical expenses out of the settlement funds. A period of months between settlement and disbursement constitutes clear violations of Rules 1.3 and 1.15(b) [now 1.15(e)] of the Rules of Professional Conduct.

We do not conclude by clear and convincing evidence that the record substantiates violations of Rules 1.4, 1.5(c) or 1.15(a) [now 1.15(b)] of the Rules of Professional Conduct. We cannot conclude by clear and convincing evidence that the Respondent failed to communicate with the Complainant, failed to provide her with a written fee agreement or that he failed to safeguard the Complainant's settlement funds.

Accordingly, we reprimand the Respondent for violating Rules 1.3 and 1.15(b) [now 1.15(e)] of the Rules of Professional Conduct.

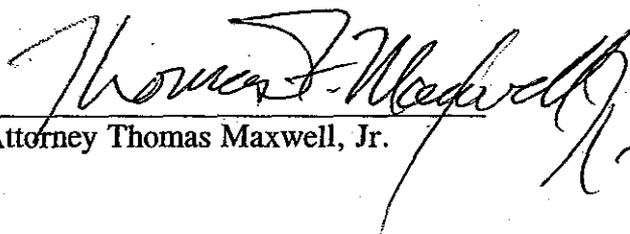
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Attorney Thomas Maxwell, Jr.

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Ms. Dahlia Johnston