

STATEWIDE GRIEVANCE COMMITTEE

New Britain Judicial District, and Judicial
District of Hartford for G.A. 12 and the
towns of Avon, Bloomfield, Canton,
Farmington and West Hartford Grievance
Panel

Complainant

:

vs.

:

Grievance Complaint #08-0054

Robert Swartout

:

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 July 9, 2008. The hearing addressed the record of the complaint filed on January 17, 2008, and the probable cause determination filed by the Hartford Judicial District Grievance Panel for Geographical Area 13 and the town of Hartford on May 5, 2008, finding that there existed probable cause that the Respondent violated Rules 1.1, 1.3, 1.4, 1.5 and 8.1(2) 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 June 2, 2008. Pursuant to Practice Book §2-35(d), Assistant Disciplinary Counsel Suzanne Sutton pursued the matter before this reviewing committee. The Respondent did not appear at the hearing. No exhibits were received into evidence at the hearing.

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

On or about April 14, 2006, the Respondent was retained to represent Gladys Rivera in immigration deportation proceedings before the Executive Office of Immigration Review of the United States Department of Justice. The Respondent was paid \$2000 on April 14, 2006 towards a \$3000 retainer. The Respondent was paid \$2500 on May 21, 2006 for the \$1000 balance of the retainer and an additional \$1500 to file form I-130 on Ms. Rivera's behalf. The Respondent did not file any documents on behalf of Ms. Rivera with the Executive Office for Immigration Review. Ms. Rivera and her husband, David Haller, have telephoned the Respondent many times but never received a response from the Respondent. The Respondent did not file an answer to this grievance complaint.

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

The Respondent's total failure to provide Ms. Rivera with competent and diligent representation constitutes violations of Rules 1.1 and 1.3 of the Rules of Professional Conduct. The Respondent's total failure to respond to Ms. Rivera's telephone calls constitutes a violation of Rule 1.4 of the Rules of Professional Conduct. The Respondent's acceptance of retainer fees from Ms. Rivera without filing any pleadings on her behalf constitutes an unreasonable fee in violation of Rule 1.5 of the Rules of Professional Conduct. The Respondent's failure to file an answer to this grievance complaint constitutes violations of Rule 8.1(2) of the Rules of Professional Conduct and Practice Book §2-32(a)(1).

Accordingly, this reviewing committee directs the Disciplinary Counsel to file a presentment against the Respondent in the Superior Court for the imposition of whatever discipline the court deems appropriate.

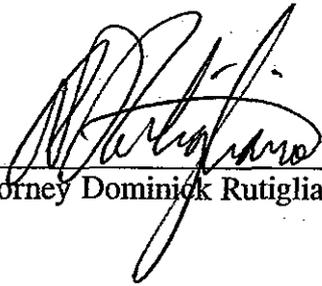
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DECISION DATE: 8/8/08

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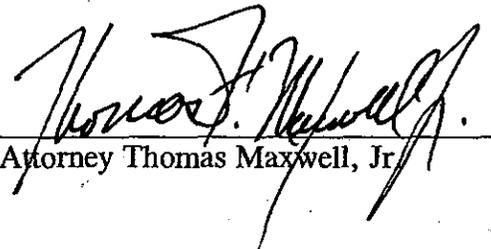
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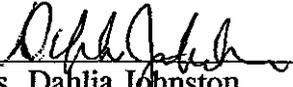


Attorney Dominick Rutigliano

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Attorney Thomas Maxwell, Jr.

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Ms. Dahlia Johnston