

STATEWIDE GRIEVANCE COMMITTEE

New London JD Grievance Panel
Complainant

vs.

Grievance Complaint #10-0207

Sarah L. Russell
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, 300 Grand Street, Waterbury, Connecticut on September 7, 2010. The hearing addressed the record of the complaint filed on March 3, 2010, and the probable cause determination filed by the Hartford Judicial District Grievance Panel for Geographical Area 13 and the town Hartford on June 4, 2010, finding that there existed probable cause that the Respondent violated Rules 8.4(4) of the Rule 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 July 23, 2010. Pursuant to Practice Book §2-35(d), Assistant Disciplinary Counsel Beth Baldwin pursued the matter before this reviewing committee. The Respondent did not appear at the September 7, 2010 hearing.

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

The Respondent was administratively suspended from the practice of law on June 16, 2009 for failure to pay her 2008 Client Security Fund fee pursuant to Practice Book §2-70. The Respondent has not complied with her attorney registration obligations for the 2009 Attorney Registration term.

On October 13, 2009, in accordance with Practice Book §2-27(e) and Rule 13 of the Statewide Grievance Committee Rules of Procedure, an IOLTA account maintained by the law firm of Pepe & Hazard, LLP (hereinafter, "Pepe & Hazard") and registered by the Respondent was randomly selected for audit by the Statewide Grievance Committee. In connection with the random audit, First Assistant Bar Counsel Frances Mickelson-Dera sent a letter to the Respondent at Pepe & Hazard dated October 16, 2009, advising the Respondent that she had not properly registered for the 2009 Attorney Registration term and requesting that she update her registration information. The letter also noted that the Respondent was suspended from the practice of law for failure to pay her 2008 Client Security Fund fee. When a response was not received to the October

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16, 2009 letter, Attorney Mickelson-Dera sent a second request to the Respondent at the home address on record by certified mail dated November 2, 2009. When no response was received to the November 2, 2009 letter, the certified letter was tracked through the United States Postal Service (hereinafter, "USPS") website and it was discovered that the USPS had attempted to deliver the letter to the Respondent at yet a different address. Thereafter, the letter was returned to the Statewide Grievance Committee unclaimed. On November 17, 2009, the Statewide Grievance Committee confirmed that the Respondent was no longer associated with Pepe & Hazard. On November 21, 2009, the Respondent received a certified letter from the Statewide Grievance Committee advising that if she did not respond, the file would be sent to a Grievance Panel. The Respondent did not respond.

This reviewing committee also considered the following:

The Disciplinary Counsel requested that a presentment issue in this matter.

This reviewing committee concludes by clear and convincing evidence that the Respondent engaged in conduct prejudicial to the administration of justice in violation of Rule 8.4(4) of the Rules of Professional Conduct, by failing to comply with her attorney registration obligations. The record lacks clear and convincing evidence to substantiate a finding that the Respondent engaged in conduct prejudicial to the administration of justice in violation of Rule 8.4(4) of the Rules of Professional Conduct, by failing to pay her 2008 Client Security Fund fee. The Respondent's failure to register reflects an apparent disregard of an important attorney responsibility. Practice Book §2-27(f) We direct the Disciplinary Counsel to file a presentment against the Respondent in the Superior Court for the imposition of whatever discipline the Court deems appropriate.

(4)
jf

DECISION DATE: 10/22/10

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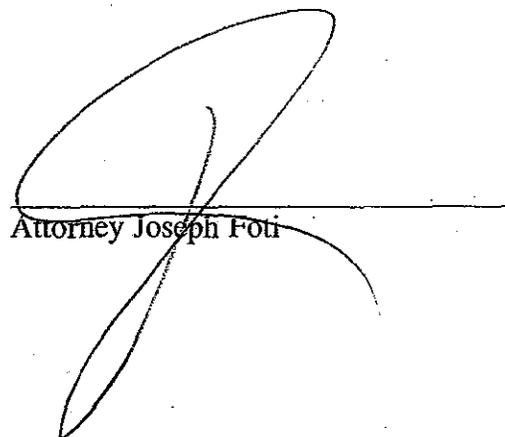
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A handwritten signature in black ink, appearing to read "W. J. O'Sullivan", written over a horizontal line.

Attorney William J. O'Sullivan

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Attorney Joseph Foti

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A handwritten signature in black ink, appearing to read "Malcolm Forbes". The signature is written in a cursive style with a large, prominent loop at the end.

Mr. Malcolm Forbes