

STATE OF CONNECTICUT



Michael P. Bowler  
Statewide Bar Counsel

Frances Mickelson-Dera  
Christopher L. Slack  
First Assistant Bar Counsel

Tel: (860) 568-5157

Fax: (860) 568-4953

**STATEWIDE GRIEVANCE COMMITTEE**

[www.jud.ct.gov/sgc/](http://www.jud.ct.gov/sgc/)  
Second Floor - Suite Two  
287 Main Street, East Hartford, Connecticut 06118-1885

05/23/2011

OFFICE OF CHIEF DISCIPLINARY C  
100 WASHINGTON STREET  
HARTFORD CT 06106

PHILIP DALE RUSSELL  
PHILIP RUSSELL, LLC  
66 FIELD POINT ROAD  
P. O. BOX 1437  
GREENWICH CT 06830

RE: GRIEVANCE COMPLAINT #10-0435  
PARROTTA vs. RUSSELL

Dear Respondent and Disciplinary Counsel:

Enclosed herewith is the decision of the reviewing committee of the Statewide Grievance Committee concerning the above referenced matter. In accordance with the Practice Book Sections 2-35, 2-36 and 2-38(a), the Respondent may, within thirty (30) days of the date of this notice, submit to the Statewide Grievance Committee a request for review of the decision.

A request for review must be sent to the Statewide Grievance Committee at the address listed above.

Sincerely,

Michael P. Bowler

Encl.

cc: Attorney Gregory A. Benoit  
Michael T. Parrotta

STATEWIDE GRIEVANCE COMMITTEE

Michael T. Parrotta  
Complainant

:

vs.

:

Grievance Complaint #10-0435

Philip D. 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, One Court Street, Middletown, Connecticut on March 10, 2011. The hearing addressed the record of the complaint filed on May 14, 2010, and the probable cause determination filed by the Stamford/Norwalk Judicial District Grievance Panel on August 6, 2010, finding that there existed probable cause that the Respondent violated Rule 1.5(b) of the Rules of Professional Conduct.

Notice of the hearing was mailed to the Complainant, to the Office of the Chief Disciplinary Counsel, and to the Respondent on February 4, 2011. Pursuant to Practice Book §2-35(d), Assistant Disciplinary Counsel Karyl L. Carrasquilla pursued the matter before this reviewing committee. The Complainant appeared at the hearing and testified. The Respondent appeared and testified. One exhibit was received into evidence at the hearing.

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

Prior to April of 2009, the Respondent had defended the Complainant against misdemeanor charges. In each prior representation, the Respondent had a written fee agreement with the Complainant for a flat fee of \$3000 or less.

In April of 2009, the Respondent defended the Complainant against felony charges. The Respondent did not communicate to the Complainant, in writing, the scope of the representation and the basis or rate of the fee and expenses for which the Complainant would be responsible. Thereafter, the Respondent billed the Complainant more than \$26,000 at the rate of \$425 per hour for the representation. In January of 2010, the Respondent and the Complainant filed a Stipulation Re: Motion for Attorney's Fees agreeing to the sum of \$10,000.

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

The Respondent did not communicate to the Complainant, in writing, the scope of the

Grievance Complaint #10-0435

Decision

Page 2

representation and the basis or rate of the fee and expenses for which the Complainant would be responsible in connection with his defense of the Complainant against felony charges in April of 2009. The Respondent had not regularly represented the Complainant on the basis of an hourly rate. All his prior representations of the Complainant had been on the basis of a flat fee in misdemeanor cases. The Respondent's failure to communicate to the Complainant, in writing, the basis or rate of his fee and expenses for which the Complainant would be responsible in his defense of the Complainant against criminal charges constituted a violation of Rule 1.5(b) of the Rules of Professional Conduct.

Accordingly pursuant to Practice Book Section 2-37(a)(5), we order the Respondent to take at his own expense, a continuing legal education course ("CLE") in the area of legal ethics. The CLE course is to be attended in person unless the Respondent obtains pre-approval from the Statewide Grievance Committee to take the CLE course electronically or through some other means. The CLE course is to consist of a minimum of three (3) credit hours and is to be completed within six (6) months of the issuance of this decision. The Respondent is further ordered to provide the Statewide Grievance Committee with written confirmation of his compliance with this condition within thirty (30) days of completion of the CLE course. The written confirmation should be in the form of a certificate of attendance or similar documentation from the course provider.

(5)

mp

DECISION DATE:

5-23-11

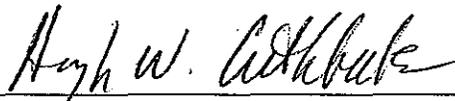
Grievance Complaint #10-0435  
Decision  
Page 3



---

Attorney Howard M. Gould

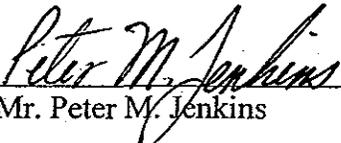
Grievance Complaint #10-0435  
Decision  
Page 4

---

Attorney Hugh W. Cuthbertson

Grievance Complaint #10-0435  
Decision  
Page 5

  
Mr. Peter M. Jenkins