

STATE OF CONNECTICUT



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STATEWIDE GRIEVANCE COMMITTEE

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Second Floor - Suite Two
287 Main Street, East Hartford, Connecticut 06118-1885

05/09/2011

OFFICE OF CHIEF DISCIPLINARY C
100 WASHINGTON STREET
HARTFORD CT 06106

EMILLO N FRANCISCO
17532 VON KARMAN
IRVINE CA 92614

RE: GRIEVANCE COMPLAINT #10-0459A
TOBIN vs. FRANCISCO

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 Eugene J. Riccio
Joseph M. Tobin

**NOTICE REGARDING DECISION
- PRESENTMENT -**

GRIEVANCE COMPLAINT # 10-0459A

THE ATTACHED DECISION IS PRESENTLY STAYED IN ACCORDANCE WITH PRACTICE BOOK §2-35.

SECTION 2-35 STATES, IN PART, AS FOLLOWS:

(e) ... Enforcement of the final decision ... shall be stayed for thirty days from the date of the issuance to the parties of the final decision. In the event the respondent timely submits to the statewide grievance committee a request for review of the final decision of the reviewing committee, such stay shall remain in full force and effect pursuant to Section 2-38(b).

Note: This stay terminates upon the issuance of a final decision by the Statewide Grievance Committee.

DECISION DATE: 5/9/11

STATEWIDE GRIEVANCE COMMITTEE

Joseph Tobin
Complainant

:

vs.

:

Grievance Complaint #10-0459A

Emilio N. Francisco
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 26, 2010, and the probable cause determination filed by the Stamford/Norwalk Grievance Panel on October 20, 2010, finding that there existed probable cause that the Respondent violated Rules 5.1(a) and 5.5(a) and (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. Neither the Complainant nor the Respondent appeared 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:

The Complainant is an attorney admitted to the practice of law in the State of Connecticut. The Complainant represents Discover Bank. Discover Bank has a claim against Teresa Swain of Connecticut for an unpaid credit card debt.

The Respondent is not admitted to the practice of law in the State of Connecticut. No one in the Respondent's law firm, Emilio N. Francisco & Associates, LLP of California, is admitted to the practice of law in the State of Connecticut.

Teresa Swain hired the Respondent's law firm to represent her in Discover Bank's claim against her. An attorney in the Respondent's law firm wrote to the Complainant's law firm in Connecticut advising that the Respondent's law firm had been retained to represent Teresa Swain and directing the Complainant's law firm to cease all further communication with their client.

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

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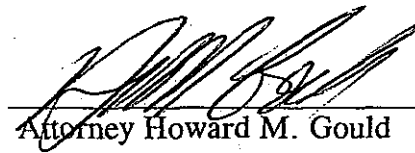
Rule 8.5 of Connecticut's Rules of Professional Conduct extends the State's disciplinary jurisdiction over attorneys who are not admitted in Connecticut, but who have engaged in ethical misconduct connected to the practice of law in Connecticut. This reviewing committee concludes by clear and convincing evidence that the Respondent engaged in the unauthorized practice of law by ministering to the legal needs of Teresa Swain of Connecticut in a Connecticut civil matter without being admitted to practice law in the State of Connecticut in violation of Rule 5.5(a) and (b) of the Rules of Professional Conduct. This reviewing committee also concludes by clear and convincing evidence that the Respondent violated Rule 5.1(a) of the Rules of Professional Conduct by not making reasonable efforts to ensure that his firm had in effect measures giving reasonable assurance that all lawyers in his firm conform to the Rules of Professional Conduct.

This reviewing committee concludes that the Respondent's violations of Rules 5.1(a) and 5.5(a) and (b) of the Rules of Professional Conduct warrant a presentment. Accordingly, we direct the Disciplinary Counsel to file a presentment against the Respondent in the Superior Court for the imposition of whatever discipline the court may deem appropriate.

(5)
mp

DECISION DATE: 5-9-11

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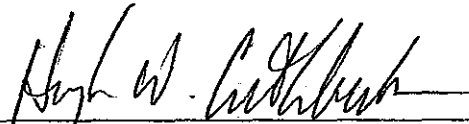


Attorney Howard M. Gould

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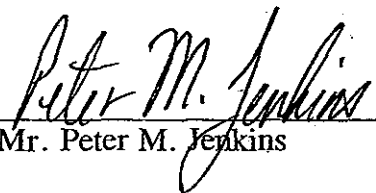
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A handwritten signature in black ink, appearing to read "Hugh W. Cuthbertson". The signature is written in a cursive style with a horizontal line extending from the end.

Attorney Hugh W. Cuthbertson

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Mr. Peter M. Jenkins