

STATEWIDE GRIEVANCE COMMITTEE

New Haven Judicial District Grievance Panel  
For the Towns of Bethany, New Haven and  
Woodbridge

Complainant

vs.

Grievance Complaint #10-0016

Clifton Graves, Jr.  
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, 80 Washington Street, Hartford, Connecticut on September 9, 2010. The hearing addressed the record of the complaint filed on January 5, 2010, and the probable cause determination filed by the Windham Judicial District Grievance Panel on June 1, 2010, finding that there existed probable cause that the Respondent violated Rules 3.4(3), 5.5(a) and 8.4(1) of the Rules of Professional Conduct.

Notice of the September 9, 2010 hearing was mailed to the Complainant, to the Respondent and to the Office of the Chief Disciplinary Counsel on July 27, 2010. Pursuant to Practice Book §2-35(d), Assistant Disciplinary Counsel Karyl Carrasquilla pursued the matter before this reviewing committee. The Respondent appeared and testified at the hearing. One exhibit was admitted into evidence.

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

The Respondent's license to practice law was suspended by the Superior Court on April 23, 2001, for non-payment of the annual client security fund fee due on June 15, 2000. The Respondent's law license was also subject to orders of administrative suspension entered on May 22, 2007 and June 24, 2008, pursuant to Practice Book §2-79, as a result of his failure to pay the client security fund fees due June 15, 2006 and June 15, 2007, respectively.

The Respondent was the subject of a similar grievance complaint that he had represented a client in a divorce matter while his license was suspended, in Grievance Complaint #08-0428, Moore v Clifton Graves, Jr., (hereinafter "the 2008 grievance complaint"). In connection with the resolution of that matter, the Respondent supplied a check in the amount of \$558.00 to the Client Security Fund for the past due payments. The check was returned for insufficient funds on or about September 15, 2008. The Respondent was subsequently notified by the Client Security Fund Committee that the check had been returned and was informed that his license to practice law remained suspended for non-payment. On October 9, 2008, the Respondent contacted by email Attorney Christopher Blanchard, Staff Attorney for the Judicial Branch Client Security Fund, and indicated that he would "make good" on the check within the next two weeks. The payment was never made. On December 2, 2009, the Respondent filed an appearance on behalf of a client in

connection with a matter being heard at the Commission on Human Rights and Opportunities (hereinafter "CHRO").

This reviewing committee also considered the following:

At the hearing, Disciplinary Counsel informed this reviewing committee that the Respondent had paid the total past due amount to the Client Security Fund on September 8, 2010, by postal money order, which resulted in his license being reinstated on the following day. Confirmation of the payment by Client Security Fund office staff was entered into the record as an exhibit. Disciplinary Counsel argued that the Respondent's law license was clearly under suspension when he filed the appearance in the CHRO matter on December 2, 2009. Disciplinary Counsel further maintained that the Respondent had two years since the 2008 grievance complaint to pay the past due amount and a valid check was only provided just prior to the hearing.

The Respondent testified that he was deeply embarrassed to be before a reviewing committee again and wished to explain the circumstances. The Respondent apologized for his lapse in judgment in filing an appearance in the CHRO matter, while his law license was still under suspension. The Respondent indicated that he had received no compensation and the client was a friend of approximately 20 years, who had called him for assistance. The Respondent testified that he originally told his friend that he could not represent him, but agreed to assist him with paperwork and accompany him to the hearing. Once at the hearing the Respondent further testified that the hearing officer requested an appearance be filed. The Respondent realized he should have told his friend to file a pro se appearance instead. The Respondent withdrew his appearance approximately 60 days after filing it.

The Respondent indicated that he had failed to bring his client security fund obligations current because of a series of personal setbacks and health problems which resulted in financial difficulties for several years. Until 2008, the Respondent thought he was exempt from Client Security Fund payments because he did not engage in the private practice of law but instead worked in academia and for non-profit organizations. The Respondent maintained that he did not know about his license suspension until he received the 2008 grievance complaint, because he had not kept a current address on file with the Statewide Grievance Committee and all correspondence had been sent to an address in North Carolina which was no longer current.

This reviewing committee concludes by clear and convincing evidence that the Respondent engaged in unethical conduct by failing to pay the past due amount to the Client Security Fund and by representing a client knowing his license to practice law was suspended. This reviewing committee finds that the Respondent violated Rules 3.4(3), 5.5(a) and 8.4(1) of the Rules of Professional Conduct. The Respondent filed his appearance in a proceeding before the CHRO, knowing that his license was under suspension for failure to pay the Client Security Fund fees, in violation of Rules 3.4(3) and 5.5(a). The Respondent's continued practice of law while his license

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is suspended is also a violation of Rule 8.4(1).

While sympathetic to the Respondent's personal circumstances and good intentions to pay the past due amount, this is the second time that the Respondent has engaged in the conduct of representing a client before fulfilling his obligations to maintain his license and contribute to the Client Security Fund. Two years passed after the Respondent's email to Attorney Blanchard indicating that he would honor the check and the Respondent failed to make any further attempt to arrange payment with the Client Security Fund. Only upon the filing of another grievance was the issue addressed by the Respondent.

This reviewing committee concludes that the Respondent's violation of Rules 3.4(3), 5.5(a) and 8.4(1) of the Rules of Professional Conduct warrants a reprimand. Accordingly, the Respondent is reprimanded.

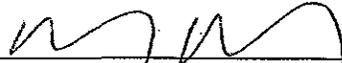
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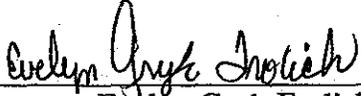
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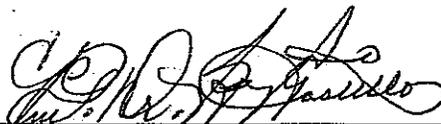
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Attorney David I. Channing

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Attorney Evelyn Gryk Frolich

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A handwritten signature in cursive script, appearing to read "Rev. Simon Castillo", written over a horizontal line.

Rev. Simon Castillo