

STATE OF CONNECTICUT



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STATEWIDE GRIEVANCE COMMITTEE

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Second Floor - Suite Two
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09/16/2011

OFFICE OF CHIEF DISCIPLINARY C
100 WASHINGTON STREET
HARTFORD CT 06106

JOSEPH MONIZ
MONIZ & ASSOCIATES
MONIZ & ASSOCIATES
100 ALLYN STREET
HARTFORD CT 06103

RE: GRIEVANCE COMPLAINT #11-0018
THOMPSON vs. MONIZ

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 John J. Quinn
Earl Thompson

STATEWIDE GRIEVANCE COMMITTEE

Earl Thompson
Complainant

:

vs.

:

Grievance Complaint #11-0018

Joseph Moniz
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, 235 Church Street, New Haven, Connecticut on July 6, 2011. The hearing addressed the record of the complaint filed on January 7, 2011, and the probable cause determination filed by the Hartford Judicial District Grievance Panel for Geographical Area 13 and the town of Hartford on April 20, 2011, finding that there existed probable cause that the Respondent violated Rules 5.5, 8.4(1), 8.4(3) and 8.4(4) of the Rules 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 May 31, 2011. Pursuant to Practice Book §2-35(d), Assistant Disciplinary Counsel Suzanne Sutton pursued the matter before this reviewing committee, assisted by law student intern Jordan Richards. The Respondent did not appear. The Complainant appeared at the hearing and testified. Subsequent to the hearing, at the reviewing committee's request, the Disciplinary Counsel forwarded documents which had previously been provided to the Complainant by the Respondent.

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

In 2009, the Complainant was awaiting trial in a criminal defense matter. The Complainant was not entirely satisfied with his legal representation and contacted the Respondent regarding the matter. The Respondent had been suspended from the practice of law on February 19, 2009, and remains suspended to the present.

The Respondent provided a letter to the Complainant, in care of the Complainant's sister, dated June 12, 2009. The letter confirmed their understanding "regarding the legal services to be undertaken by this firm in connection with our representation of your brother," the Complainant, in connection with the criminal charges. The letter stated that the Respondent has disclosed to the Complainant and his sister that the Respondent's law license is currently suspended, but goes on to state that the Respondent's "office" will "prepare for filing immediately" a motion to suppress

Grievance Complaint #11-0018

Decision

Page 2

evidence and will thereafter file a motion to dismiss and will pursue other motions and handle "all court appearances" for the motions.

The letter further stated that, if the Respondent's law license was not reinstated, the Respondent would "agree to act as a consultant" on any trials or motions, for a "non-legal services" fee of \$15,000. The Respondent was paid the \$15,000 by the Complainant's sister. The Respondent visited the Complainant three or four times while the Complainant was incarcerated, using the attorney visitation room. On these visits and when they talked by telephone, the Respondent advised the Complainant regarding the status of his criminal matter. A draft motion to suppress was provided, with a signature line listing "Moniz and Associates" on behalf of the Complainant.

During the trial, the Respondent attended the court sessions, sitting with the Complainant's family in the gallery. After sentencing, the Respondent contacted the Complainant's sister, seeking additional fees for appellate work.

This reviewing committee concludes by clear and convincing evidence that the Respondent engaged in unethical conduct. The Respondent clearly engaged in the unauthorized practice of law in his representation of the Complainant while under suspension, in violation of Rule 5.5 of the Rules of Professional Conduct. Although the Respondent disclosed that he was suspended, the actions he undertook were obviously those of an attorney, including the drafting of motions, the making of presumptive legal visits to the incarcerated Complainant, the providing of legal advice, and the taking of money that can only be described as a legal fee.

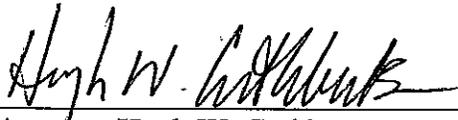
Accordingly, this reviewing committee finds that the Respondent engaged in the unauthorized practice of law in violation of Rule 5.5 of the Rules of Professional Conduct. This conduct also constitutes misconduct in violation of Rule 8.4(1) and, given the deceptive nature of the Respondent's actions whereby he sought to give what was obviously legal representation under the guise of "non-legal" services, further constitutes misrepresentation and dishonesty in violation of Rule 8.4(3), and conduct prejudicial to the administration of justice in violation of Rule 8.4(4) of the Rules of Professional Conduct.

The Disciplinary Counsel is directed to file a presentment against the Respondent in the Superior Court, for the imposition of whatever discipline is deemed appropriate.

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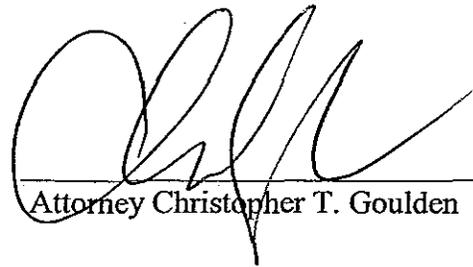
DECISION DATE: 9/16/11

Grievance Complaint #11-0018
Decision
Page 3



Attorney Hugh W. Cuthbertson

Grievance Complaint #11-0018
Decision
Page 4

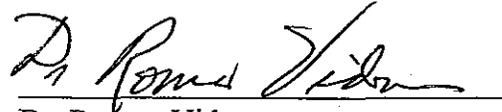


Attorney Christopher T. Goulden

Grievance Complaint #11-0018

Decision

Page 5



Dr. Romeo Vidone