



STATE OF CONNECTICUT
JUDICIAL BRANCH

STATEWIDE GRIEVANCE COMMITTEE

Michael P. Bowler, *Statewide Bar Counsel*

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Attorney Patricia King
Assistant Disciplinary Counsel
80 Washington Street
Hartford, CT 06106

Attorney Mark H. Swerdloff
Swerdloff & Swerdloff
61 South Main Street
West Hartford, CT 06107

RE: Grievance Complaint #04-1166, Lett v. Swerdloff

Dear Assistant Disciplinary Counsel and Respondent:

Pursuant to Practice Book §2-82(b), the undersigned, duly-appointed reviewing committee of the Statewide Grievance Committee, has reviewed the *Conditional Admission and Agreement as to Discipline* (hereinafter “Conditional Admission”) filed July 5, 2005 and submitted for approval in the above referenced matter. After careful consideration of the *Conditional Admission*, the Affidavit of the Respondent submitted pursuant to Practice Book §2-82(c) and the entire record of the complaint, and after conducting a hearing pursuant to Practice Book §2-82(b) on July 5, 2005, the undersigned hereby APPROVE the *Conditional Admission*, a copy of which is attached hereto together with the Affidavit of the Respondent. Accordingly, the disposition agreed to by the Assistant Disciplinary Counsel and the Respondent in the above referenced matter and set forth in the *Conditional Admission* is hereby made an order of this reviewing committee. The Respondent is reprimanded.

So ordered.

cc: Ann Marie Lett
Attorney Atherton Ryan

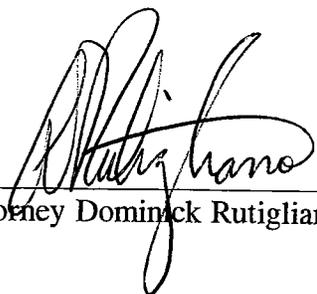
(B)
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DECISION DATE: 9/9/05

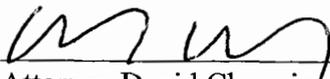
Grievance Complaint #04-1166

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Attorney Dominick Rutigliano

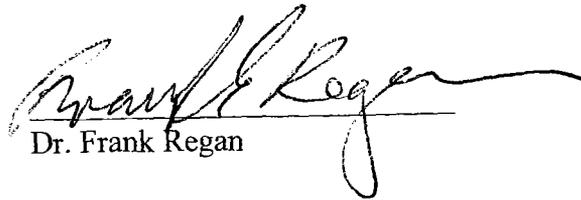


Attorney David Channing

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Dr. Frank Regan

STATEWIDE GRIEVANCE COMMITTEE

GRIEVANCE COMPLAINT NO. 04-1166

ANNE MARIE LETT
Complainant

v.

MARK SWERDLOFF
Respondent**CONDITIONAL ADMISSION AND AGREEMENT AS TO
DISCIPLINE**

Pursuant to Practice Book § 2-82, the undersigned Respondent and Disciplinary Counsel stipulate and agree as follows:

1. This matter was instituted by grievance complaint filed by the Complainant on November 30, 2004.
2. On March 24, 2005 the New Britain / Hartford Grievance Panel found probable cause that the Respondent violated Rules 1.1., Competence, of the Rules of Professional Conduct, arising from respondent's failure to file a statutory notice of the Complainant's injury with the Housing Authority before instituting suit.
3. The Respondent has tendered a conditional admission of fact in accordance with his affidavit attached hereto, admitting that the material facts of the complaint are true, and consenting to a reprimand for a violation of Rule 1.1.
4. This grievance arose as the result of Respondent's representation of complainant in a personal injury case after Complainant was injured after falling on property owned by the Torrington Housing Authority on or about January 27, 2001. Respondent failed to give statutory notice to the Housing Authority pursuant to Conn. Gen. Stat. §8-67. Respondent filed suit in Complainant's behalf on or about January 23, 2003. Summary judgment was entered in favor of the defendant based on Respondent's failure to file the statutory notice.
5. On February 11, 2003 Respondent advised Complainant that he did not file the required notice and that as a result her negligence claim was barred. He

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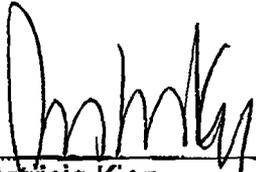
further advised her that a conflict of interest existed between them as a result, and that she should seek independent counsel.

- 6. Respondent has been admitted to practice in Connecticut since 1975.
- 7. Disciplinary Counsel has agreed to recommend to the Statewide Grievance Committee that it issue a reprimand in this case.
- 8. Complainant has been consulted as to the proposed resolution of this matter, and is expected to attend the hearing to address the reviewing committee.

WHEREFORE, this matter is submitted to the Statewide Grievance Committee for its approval in accordance with Practice Book § 2-82 (b).

Office of Disciplinary Counsel

7/1/05
Date

By: 
Patricia King
Assistant Disciplinary Counsel

By: Respondent

June 30, 2005
Date


Mark Byrdloff

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AFFIDAVIT OF RESPONDENT

STATE OF CONNECTICUT)

COUNTY OF *Hartford*)ss. *Hartford*

I am over the age of 18 and believe in the obligation of an oath. Pursuant to Practice Book §2-82, I make the follow affidavit:

1. The Conditional Admission attached hereto and made a part hereof is voluntarily submitted.
2. I herein consent to the form of discipline set forth in the Conditional Admission.
3. I am aware that I have a right to a full hearing on this matter and I waive that right by entering into this agreement.
4. I have been neither subject to coercion nor duress and I am fully aware of the implications of this Affidavit and Conditional Admission;
5. I am aware of the current proceeding regarding my violation of Rules of Professional Conduct 1.1, Competence, as it specifically relates to my representation of the Complainant.
6. I acknowledge that my failure to file the statutory notice to the Housing Authority violated Rule 1.1 of the Rules of Professional Conduct.
7. I agree that the Statewide Grievance Committee may issue a reprimand in this matter.

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8. I deny any other violations of the Rules of Professional Conduct.



MARK SWERDLOFF

Subscribed and sworn to before me

this 30 day of June, 2005.



Notary Public
Commissioner of the Superior Court

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