



STATE OF CONNECTICUT
JUDICIAL BRANCH

STATEWIDE GRIEVANCE COMMITTEE

Michael P. Bowler, *Statewide Bar Counsel*

287 Main Street
Second Floor – Suite Two
East Hartford, CT 06118-1885
(860) 568-5157 Fax (860) 568-4953
Judicial Branch Website: www.jud.ct.gov

Attorney Frank P. Blando
Assistant Disciplinary Counsel
Office of the Chief Disciplinary Counsel
100 Washington Street
Hartford, CT 06106

Attorney Myles H. Alderman, Jr.
Alderman & Alderman
100 Pearl Street, 14th Floor
Hartford, CT 06103

RE: Grievance Complaint #06-0578A
Htfd JD GA13 and the town of Hartford Grievance Panel v. Myles H. Alderman, Jr.

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 May 11, 2007 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(d) and the entire record of the complaint, and after conducting a hearing pursuant to Practice Book §2-82(b) on May 11, 2007, 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: Attorney John J. Quinn
Attorney Ron Murphy
Attorney Beth C. Cvejanovich

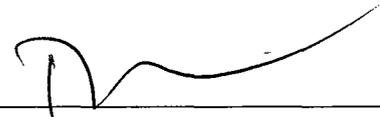
DECISION DATE: 6/8/07

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Grievance Complaint #06-0578A

Decision

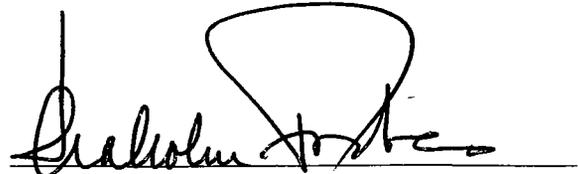
Page 2

A handwritten signature in black ink, appearing to read 'Tracie Molinaro', is written above a horizontal line. The signature is stylized with a large initial 'T' and a long, sweeping tail.

Attorney Tracie Molinaro



Attorney David I. Channing

A handwritten signature in black ink, appearing to read "Malcolm Forbes", written over a horizontal line. The signature is stylized with a large, looped initial 'M' and a prominent 'F'.

Mr. Malcolm Forbes

STATEWIDE GRIEVANCE COMMITTEE

NO. 06-0578A

HARTFORD JUDICIAL DISTRICT GRIEVANCE PANEL

Complainant

Vs.

MYLES ALDERMAN

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 Hartford Panel on June 20, 2006.
2. On November 20, 2006, the New Britain J.D. and J.D. of Hartford for G.A. #12 and the Towns of Avon, Bloomfield, Canton, Farmington and West Hartford Grievance Panel found that based upon the March 6, 2006 Memorandum of Decision on Liability Issues issued by Superior Court Judge Grant Miller in the combined matters of docket numbers CV 03-0828266 S and CV 03-0828562 S, Probable Cause existed that the Respondent had violated several of the Rules of Professional Conduct.
3. The Respondent has tendered a Conditional Admission of fact in accordance with his Affidavit attached hereto, acknowledging that based on the facts as alleged in the complaint, a trier of fact could reasonably find that Respondent had violated one or more of the Rules of Professional Conduct.
4. Respondent has been admitted to practice since November 20, 1986. He has no history of grievance complaints which have resulted in the imposition of discipline.
5. Disciplinary Counsel has agreed to recommend to the Statewide Grievance Committee that a **Reprimand** be issued in this matter.
6. Respondent has agreed that a **Reprimand** is a reasonable sanction in this matter.

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

5/10/07
Date

Frank P. Blando
By Frank P. Blando
Assistant Disciplinary Counsel

Respondent

5/10/07
Date

Myles Alderman
Myles Alderman

AFFIDAVIT

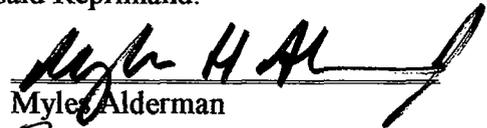
STATE OF CONNECTICUT)

) ss: Hartford May 10, 2007

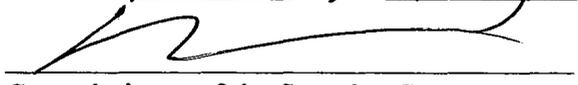
COUNTY OF HARTFORD)

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 hereby consent to the form of disposition set forth in the attached Conditional Admission.
3. I am aware that I have a right to a full evidentiary 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 alleged violation of Rules 1.5, 1.7, 1.8, 1.9, 1.16(d) and 8.2(a) of the Rules of Professional Conduct.
6. While I deny violating any of the Rules of Professional Conduct, I admit that during a deposition taken on July 22, 2002 I did give the testimony contained in the portion of the transcript attached hereto as EXHIBIT A and hereby acknowledge that based upon the facts as alleged in the complaint, a trier of fact could find by clear and convincing evidence that I violated one or more of the rules, and if I were to take this matter to a full evidentiary hearing, that I might receive another disposition, which disposition could include a greater penalty than that which may be imposed if I tender this Conditional Agreement.
7. I hereby agree that a Reprimand is a reasonable and equitable disposition in this matter, and I knowingly and willingly accept said Reprimand.


Myles Alderman

Subscribed and sworn to before me this 10 day of May, 2007.


Commissioner of the Superior Court

Notary Public

My Commission Expires _____

EXHIBIT A

STATE OF CONNECTICUT

SUPERIOR COURT

2 NO. CV 00 0802857 S JUDICIAL DISTRICT OF
3 ALDERMAN & ALDERMAN HARTFORD
4 VS AT HARTFORD
5 MILLBROOK OWNERS'
6 ASSOCIATION, INC. JULY 22, 2002

7

8

9 DEPOSITION OF MYLES H. ALDERMAN, JR.

10

11

A P P E A R A N C E S:

12

13 KROLL, MCNAMARA & EVANS
14 Attorneys for the Plaintiff
29 South Main Street
West Hartford, Connecticut 06107
15 BY: DOUGLAS EVANS, ESQ.

16

17 BEIZER & WEINTRAUB
Attorneys for the Defendant
18 Millbrook Owners' Association
345 North Main Street
West Hartford, Connecticut 06119
19 BY: DAVID BEIZER, ESQ.

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BARRY S. ZITSER, ESQ.
Pro Se Defendant
11 Terrace Road
West Hartford, Connecticut, 06107
BY: BARRY S. ZITSER, ESQ.

REPORTED BY:

GWENDOLYN WILLIAMS
CERTIFIED PROFESSIONAL REPORTER

NIZIANKIEWICZ & MILLER
REPORTING SERVICES
972 Tolland Street
East Hartford, Connecticut 06108
Telephone (860) 291-9191

1 Q. The Governor indicated to you that this file
2 was getting unique treatment?

3 A. No. It was the comments from the Governor
4 that led me to believe this file was getting unique
5 treatment.

6 Q. And, what were the comments from the Governor
7 that led you to believe that the file was getting
8 unique treatment?

9 A. The Governor called my office and told me
10 that if I knew what was good for my legal practice, I
11 would back off of this case.

12 Q. When did the Governor make this telephone
13 call to your office?

14 A. Would have been late August or early
15 September. I can't give an exact date. I can give it
16 by reference to another date.

17 Q. Well, do it by reference to another date.

18 A. There was a date at which members of the
19 association were to meet with the Governor; and when
20 the Governor found out the people who were to come to
21 his office for a meet and greet were unit owners, he
22 cancelled and there was some give and take in the press
23 about that. And in response to that, and so you can go
24 back into the articles and see what those articles
25 were, the Governor called me directly and he was very

1 agitated.

2 Q. First of all, how do you know he was
3 agitated?

4 A. Because he swore at me.

5 Q. And, what did he say to you in swear words?

6 A. Something to the effect of he didn't know who
7 I thought I was blanking with, but that he didn't fall
8 off the turnip truck yesterday; and if I knew what was
9 good for me, we'd back off this case. And something
10 else to the effect of that it was his understanding
11 that lawyers' professions can take significant changes
12 one way or the other depending on how they are
13 perceived by state agencies.

14 Oh, I can bring it back further. It was
15 several months before the case was dismissed by Judge
16 Aurigemma.

17 Q. Did you also believe that Judge Aurigemma was
18 partial or biased towards UTC?

19 A. Did I believe?

20 Q. Yes.

21 A. I had no prior dealings with Judge Aurigemma.

22 Q. I didn't ask you about your prior dealings.
23 I asked you did you also believe that Judge Aurigemma
24 was biased towards UTC?

25 A. My recollection is that a review of cases she

1 had decided, had indicated that more often than not UTC
2 got a good outcome in front of her. Whether or not
3 that was justified or not, I don't know.

4 Q. Did you believe that she was biased toward
5 UTC in the lawsuit that you prosecuted on behalf of the
6 Millbrook Association?

7 A. I thought she made an error in dismissing the
8 case.

9 Q. But, do you believe this error was an
10 innocent error? Do you believe that it was because of
11 bias toward UTC?

12 A. Can't get inside her head.

13 Q. I am trying to get inside your head. I am
14 asking what you believe?

15 MR. EVANS: Can I have a moment to consult
16 my client?

17 MR. ZITSER: Certainly. Off the record.

18 (Whereupon Counsel went off the record.)

19 MR. ZITSER: Back on the record.

20 BY MR. ZITSER:

21 Q. I believe the pending question was, did you
22 believe that Judge Aurigemma was biased towards UTC
23 with respect to the lawsuit you brought on behalf of
24 the Millbrook Association?

25 A. The answer is I don't believe that I was

1 thinking in those terms. I had an observation in the
2 court, that it appeared to me that there was a
3 presumption of credibility for UTC and UTC's counsel;
4 and that I thought that the decision that was made by
5 her was in error. Beyond that, no. If you are asking
6 if I thought before I went in that the whole thing was,
7 you know, was stacked deck, the answer is no, I didn't
8 think the entire process was stacked deck.

9 Q. Did you tell anybody that you believe that
10 Judge Aurigemma was biased towards UTC with respect to
11 the lawsuit brought on behalf of the Association?

12 A. I may have advised a representative of the
13 Board that UTC had done well in prior matters before
14 the Court, which I think goes back to presumption of
15 credibility.

16 Q. Now, getting back to the Governor's comments
17 to you, did you say anything in response to the
18 Governor after he swore at you?

19 A. We had a number of exchanges within the
20 conversation, and we exchanged the normal
21 pleasantries. I don't recall-- I believe that he
22 indicated, made another statement after that and then I
23 responded to the next statement.

24 Q. Did you ask the Governor what he meant when
25 he said if you knew what was good for you you would

1 back off?

2 A. No, I didn't.

3 Q. Did you know what he meant?

4 MR. EVANS: Objection.

5 A. I thought I understood what those words
6 meant.

7 Q. All right. And, what was your understanding
8 of what those words meant?

9 A. My understanding was that the Governor was
10 displeased with the amount of light that the media was
11 putting on this case, and the amount of light being put
12 in particular on an agency of the state.

13 Q. Now, the swear word the Governor used was the
14 F word; is that correct?

15 A. That's my recollection.

16 Q. And, you didn't record this telephone call, I
17 take it?

18 A. Absolutely not.

19 Q. Was there anybody else that was listening on
20 the line?

21 A. Not to my knowledge.

22 Q. Now, you mentioned that there was the
23 Governor and Brendon Fox that you had spoken to from
24 the Governor's office.

25 Was there anybody else from the Governor's