

STATEWIDE GRIEVANCE COMMITTEE

Harold & Rosalyn Williams  
Complainants

:

vs.

:

Grievance Complaint #07-0424

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, 80 Washington Street, Hartford, Connecticut on September 6, 2007. The hearing addressed the record of the complaint filed on May 1, 2007, and the probable cause determination filed by the Hartford Judicial District Grievance Panel for Geographical Area 13 and the town of Hartford on July 19, 2007, finding that there existed probable cause that the Respondent violated Rule 8.1(2) of the Rules of Professional Conduct and Practice Book §2-32(a)(1).

Notice of the hearing was mailed to the Complainant, to the Respondent, and to the Office of the Chief Disciplinary Counsel on August 3, 2007. Pursuant to Practice Book §2-35(d), Assistant Disciplinary Counsel Frank Blando pursued the matter before this reviewing committee. The Complainant Harold Williams and the Respondent appeared at the hearing and testified.

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

This grievance complaint arises out of the Respondent's representation of the Complainants' son in a criminal defense matter, and the Complainant's seeking the return of the fee paid to the Respondent. Included in the documents attached to the grievance complaint was a prior letter from the Respondent to the Complainants, addressing the issue of the Respondent's legal fee. No probable cause was found as to the merits of the grievance complaint. However, the Respondent failed to file an answer to the grievance complaint.

This reviewing committee also considered the following:

The Respondent testified at the hearing that he thought this was a frivolous complaint. He drafted a response, intending to finalize it, but then received the probable cause finding. He indicated he has had staffing problems due to changes in his law practice.

This reviewing committee finds by clear and convincing evidence that the Respondent engaged in unethical conduct. The Respondent's failure to answer the grievance complaint violated Practice Book §2-32(a)(1) and Rule 8.1(2) of the Rules of Professional Conduct. The Respondent failed to establish good cause for his failure to answer. His explanation of staffing and law firm transition problems is one he has used repeatedly in prior grievances. Of particular concern to this reviewing committee is the matter of Foster v. Moniz, Grievance Complaint #07-0217, in which the Respondent neither filed an answer nor appeared for the hearing. By decision dated September 28, 2007, the Respondent was ordered presented to the Superior Court in the Foster matter.

Since this matter involves only the failure to answer, we will not present the Respondent, but instead we hereby reprimand the Respondent, and additionally order him to take and complete a continuing legal education ("CLE") course in law office management within nine months of the date of this order. The CLE course is to consist of a minimum of three credit hours, and must be taken in-person and at his own expense. The Respondent must certify to the Statewide Grievance Committee in writing his compliance with this condition within thirty days of the completion of the CLE course.

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Attorney Tracie Molinaro

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Attorney John Matulis

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Mr. Malcolm Forbes