

STATEWIDE GRIEVANCE COMMITTEE

Steven M. Zelman
Complainant

:

vs.

:

Grievance Complaint #07-0525

Paul Lewis
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, One Court Street, Middletown, Connecticut on December 13, 2007. The hearing addressed the record of the complaint filed on June 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 September 17, 2007, finding that there existed probable cause that the Respondent violated Rules 1.1, 8.4(3) and (4) of the Rules of Professional Conduct.

Notice of the hearing was mailed to the Complainant, to the Office of the Chief Disciplinary Counsel, and to the Respondent on November 5, 2007. Pursuant to Practice Book §2-35(d), Assistant Disciplinary Counsel Frank Blando pursued the matter before this reviewing committee. Pursuant to Practice Book §3-14 et. seq., legal intern Stephanie Tang and Professor Christopher Lasch of the Yale Law School Lawyering Ethics Project assisted in the presentation of this matter under the supervision of Attorney Frank Blando. The Complainant appeared at the hearing and testified. The Respondent appeared and testified. No exhibits were received into evidence at the hearing.

This reviewing committee makes the following findings of fact by clear and convincing evidence:

The Respondent was the administrator of the estate of Easton Fuller, in the Bloomfield Probate Court. On November 13, 2006, the Respondent executed an Affidavit of Closing of Estate certifying that \$7,120.99 had been reimbursed to the State of Connecticut for State assistance to the decedent. In fact, the State had not been reimbursed. Instead, the funds had been disbursed by the Respondent to the decedent's aunt who had paid for the decedent's funeral expenses. The Respondent has asked the decedent's aunt to return the funds, but she has refused. The Respondent has not executed an amended affidavit.

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

The Respondent's execution of an untrue affidavit on November 13, 2006 and his failure to take any subsequent action to execute a corrected affidavit constituted violations of Rules 8.4(3) and (4) of the Rules of Professional Conduct. The execution of an untrue affidavit and the failure to execute an amended corrected affidavit constitute conduct involving dishonesty and misrepresentation. Such misconduct is also prejudicial to the administration of justice.

We do not, however, find clear and convincing evidence of a lack of competence rising to the level of a violation of Rule 1.1 of the Rules of Professional Conduct.

Accordingly, this reviewing committee directs the Disciplinary Counsel to file a presentment against the Respondent in the Superior Court for the imposition of whatever discipline the Court deems appropriate.

(5)
asc

DECISION DATE: 2/22/08

Grievance Complaint #07-0525
Decision
Page 3

Attorney Jorene Couture

Grievance Complaint #07-0525
Decision
Page 4

Attorney Howard M. Gould

Grievance Complaint #07-0525
Decision
Page 5

Mr. Peter Jenkins