

STATEWIDE GRIEVANCE COMMITTEE

Linda LeBlanc
Complainant

vs.

Grievance Complaint #07-1007

Glen L. Rosenberg
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, 1061 Main Street, Bridgeport, Connecticut on July 2, 2008. The hearing addressed the record of the complaint filed on October 11, 2007, and the probable cause determination filed by the Hartford Judicial District Grievance Panel for Geographical Area 13 and the town of Hartford on January 17, 2008, 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). The hearing also addressed the additional finding of probable cause filed by the reviewing committee of Attorney Dominick Rutigliano, Attorney Mary Sommer and Ms. Dahlia Johnston on May 7, 2008 after a hearing held on April 9, 2008 finding that there existed probable cause that the Respondent violated Rules 1.3, 1.4 and 1.15 of the Rules of Professional Conduct.

Notice of the July 2, 2008 hearing was mailed to the Complainant, to the Office of the Chief Disciplinary Counsel, and to the Respondent on May 30, 2008. Pursuant to Practice Book §2-35(d), Chief Disciplinary Counsel Mark Dubois pursued the matter before this reviewing committee. The Respondent did not appear. The Complainant did not appear at the July 2, 2008 hearing, although she did appear and testify before the prior reviewing committee which issued the additional probable cause finding.

There was a vacancy on the reviewing committee at the July 2, 2008 hearing. The Chief Disciplinary Counsel waived the participation of a second attorney member of the reviewing committee. Accordingly, this matter was decided by the undersigned.

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

The Complainant retained the Respondent to represent her regarding personal injuries she sustained in an accident on October 1, 2004 at a Walgreen's Pharmacy. The Complainant provided the Respondent with all of her documentation regarding her injuries. The Respondent failed to file a lawsuit prior to the running of the statute of limitations. While there is little

Grievance Complaint #07-1007

Decision

Page 2

evidence in the record regarding communication between the Complainant and the Respondent, it appears clear that, with regard to the running of the statute of limitations, the Respondent did not inform the Complainant about the status of the matter. The Complainant requested, both directly and through successor counsel, that the Respondent return her file. The Respondent failed to do so.

The Respondent did not file an answer to the grievance complaint prior to the issuance of the grievance panel's probable cause determination in January of 2008. In a letter to the Statewide Grievance Committee dated February 5, 2008, the Respondent submitted a "belated response" in which he acknowledged that the "allegations of misconduct are accurate." The Respondent admitted that he did not file the Complainant's claim before the expiration of the statute of limitations and did not turn over the file due to "having lost the file as a result of moving out of my office."

This reviewing committee also considered the following:

In his February 5, 2008 letter, the Respondent asked that the Statewide Grievance Committee refrain from suspending the Respondent based on a favorable law practice history and substantial pro bono work. The letter further stated that the Respondent was not in Connecticut, but listed a post office box address in Windsor Locks as the return address.

This reviewing committee concludes by clear and convincing evidence that the Respondent engaged in unethical conduct. The Respondent's failure to file suit prior to the running of the statute of limitations is a clear violation of Rule 1.3 of the Rules of Professional Conduct. The Respondent failed to notify the Complainant about the status of the matter in violation of Rule 1.4(a) of the Rules of Professional Conduct. The Respondent's losing of the file is a failure to safeguard property in violation of Rule 1.15(b) (formerly 1.15(a)) of the Rules of Professional Conduct. The Respondent failed to timely answer the grievance complaint, in violation of Rule 8.1(2) of the Rules of Professional Conduct and Practice Book §2-32(a)(1).

This reviewing committee directs the Disciplinary Counsel to bring a presentment against the Respondent in Superior Court, for the imposition of whatever discipline is deemed appropriate. The Respondent may address any claims for mitigation to the court in that proceeding.

(8)
asc

DECISION DATE: 9/26/08

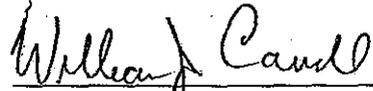
Grievance Complaint #07-1007
Decision
Page 3


Attorney Salvatore DePiano

Grievance Complaint #07-1007

Decision

Page 4


Mr. William Carroll