STATEWIDE GRIEVANCE COMMITTEE

Vladimir Kolyagin Complainant	:	
vs.	:	Grievance Complaint #07-1219
Brian E. Cotter 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 May 8, 2008. The hearing addressed the record of the complaint filed on December 17, 2007, and the probable cause determination filed by the Danbury Judicial District Grievance Panel on March 10, 2008, finding that there existed probable cause that the Respondent violated Rule 1.3 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 March 31, 2008. The Respondent appeared and testified at the hearing. Pursuant to Practice Book §2-35(d), Assistant Disciplinary Counsel Beth Cvejanovich pursued the matter before this reviewing committee. The Complainant did not appear, but submitted an affidavit that was admitted as an exhibit without objection.

Reviewing committee member Dr. Frank Regan was not present for the hearing. Since the Assistant Disciplinary Counsel and the Respondent waived Dr. Regan's participation, this decision was rendered by the undersigned.

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

The Respondent was retained to file an appeal of a May 13, 2003 decision by the Board of Immigration Appeals ("BIA") on behalf of the Complainant. The Respondent was also to file a Labor Certification Application and an I-140 form. Although the Labor Certification and I-140 were filed, the appeal was not. The Respondent stated that the appeal was not filed due to health issues which have now resolved and due to his own inadvertence. The Respondent noted that he has had a long career without any prior disciplinary problems, and that he is ashamed of his mistake in this matter.

This reviewing committee concludes by clear and convincing evidence that the Respondent failed to file an appeal of a BIA decision, which constitutes a lack of diligence, in violation of Rule 1.3 of the Rules of Professional Conduct. Although this reviewing committee would ordinarily consider a reprimand as a sanction for this type of misconduct, the reviewing committee notes that the Respondent admitted his mistake and has no prior disciplinary record. Accordingly, this reviewing committee orders the Respondent to attend a continuing legal education ("CLE") course in legal ethics. The CLE course is to consist of a minimum of three credit hours and is to be taken in-person and at the Respondent's expense within nine months of the date of this order. The Respondent is further ordered to provide the Statewide Grievance Committee with written confirmation of his compliance with this condition within thirty days of completing the CLE course.

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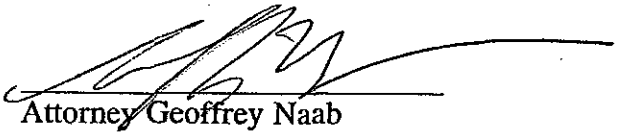
DECISION DATE: 7/25/08



Attorney Geoffrey Naab

Attorney Tracie Molinaro