

STATEWIDE GRIEVANCE COMMITTEE

Joseph Levasseur
Complainant

:

vs.

:

Grievance Complaint #08-0863

Robert D. Swartout
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 March 5, 2009. The hearing addressed the record of the complaint filed on September 11, 2008, and the probable cause determination rendered by the Hartford Judicial District Grievance Panel for Geographical Area 13 and the town of Hartford on December 23, 2008, finding that there existed probable cause that the Respondent violated Rules 1.3, 1.4, 1.5 and 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 Office of the Chief Disciplinary Counsel, and to the Respondent on February 3, 2008. Pursuant to Practice Book §2-35(d), Assistant Disciplinary Counsel Suzanne Sutton pursued the matter before this reviewing committee. The Complainant appeared and testified at the hearing. The Respondent did not appear. An exhibit was admitted into evidence.

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

In July of 2007, the Complainant retained the Respondent in an immigration matter. The Complainant paid \$1600 to the Respondent to obtain the naturalization of the Complainant's wife and stepson. The Respondent met twice with the Complainant and filled out some paperwork. However, the paperwork was never filed and the Complainant never heard from the Respondent again. Telephone calls, emails and a certified letter from the Complainant were not responded to by the Respondent. The Complainant eventually had to retain new counsel.

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The Respondent did not answer the grievance complaint.

This reviewing committee finds by clear and convincing evidence that the Respondent engaged in unethical conduct. The Respondent's failure to pursue the matter constituted a lack of diligence in violation of Rule 1.3 of the Rules of Professional Conduct. The Respondent's failure to respond to the Complainant constituted a lack of communication in violation of Rule 1.4 of the Rules of Professional Conduct. Given the Respondent's failure to pursue the matter, his fee was unreasonable, in violation of Rule 1.5 of the Rules of Professional Conduct. The Respondent's failure to answer the grievance complaint was in violation of Rule 8.1(2) of the Rules of Professional Conduct and Practice Book §2-32(a)(1).

The Disciplinary Counsel is directed to file a presentment against the Respondent in the Superior Court for the imposition of whatever discipline is deemed appropriate. The reviewing committee will leave to the court the issue of restitution.

(8)

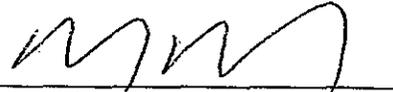
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DECISION DATE: 4/9/09

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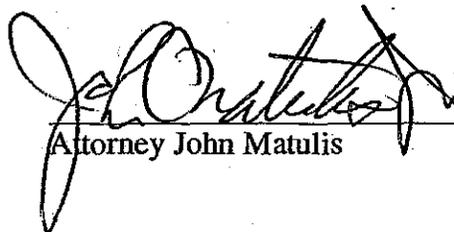
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Attorney David Channing

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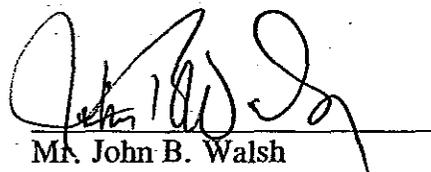


Attorney John Matulis

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Mr. John B. Walsh