

STATEWIDE GRIEVANCE COMMITTEE

Stephen J. Bosco
Complainant

vs.

Gary Woodfield
Respondent

Grievance Complaint #09-0208

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 January 7, 2010. The hearing addressed the record of the complaint filed on March 2, 2009 and the probable cause determination filed by the New Britain Judicial District and the Judicial District of Hartford for Geographical Area 12 and the towns of Avon, Bloomfield, Canton, Farmington and West Hartford Grievance Panel on June 3, 2009, finding that there existed probable cause that the Respondent violated Rules 1.3, 1.4, 1.5 and 8.1 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 December 7, 2009. Pursuant to Practice Book §2-35(d), First Assistant Disciplinary Counsel Patricia A. King pursued the matter before this reviewing committee. The Complainant did not appear at the hearing. The Respondent appeared at the hearing and testified. Reviewing committee member, Attorney Shari Bornstein recused herself from the hearing. Since both the First Assistant Disciplinary Counsel and the Respondent waived the participation of a second attorney, this matter was heard and decided by the undersigned.

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

On August 9, 2007, the Complainant paid the Respondent \$1500 to file a divorce action. Approximately, eight months later the Complainant learned through his own research that the Respondent never filed a divorce action. The Respondent agreed to return the Complainant's \$1500 but thereafter did not do so. Ultimately, the Complainant retained new counsel to represent him.

The Respondent did not file an answer to the grievance complaint.

This reviewing committee also considered the following:

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The Respondent testified that he did not follow through on the Complainant's matter and that he intends to pay the Complainant back the \$1500. The Respondent further testified that he was involved with family issues during the period of the subject representation.

This reviewing committee finds the following violations of the Rules of Professional Conduct and the Practice Book by clear and convincing evidence:

The Respondent failed to act with reasonable diligence and promptness in representing the Complainant in violation of Rule 1.3, by failing to initiate divorce litigation on behalf of the Complainant. The Respondent failed to keep the Complainant reasonably informed about the status of the representation in violation of Rule 1.4(a)(3) and failed to explain the matter to the extent reasonably necessary to permit the Complainant to make informed decisions regarding the representation in violation of Rule 1.4(b). The Complainant independently learned that the Respondent never filed the divorce action. The Respondent did not perform the legal service for which he was paid. The Respondent's \$1500 fee was unreasonable in violation of Rule 1.5(a), in consideration of the amount involved and the results obtained. The Respondent failed to file an answer to the grievance Complaint in violation of Rule 8.1(2) of the Rules of Professional Conduct and Practice Book §2-32(a)(1). Since we conclude that the Respondent violated Rules 1.2, 1.4, 1.5(a) and 8.1(2) of the Rules of Professional Conduct and Practice Book §2-32(a)(1), we reprimand the Respondent. Pursuant to Practice Book §2-37(a)(2) we order the Respondent to make restitution to the Complainant of the \$1500 fee, within one (1) year of the date of the issuance of this decision.

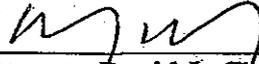
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DECISION DATE: 2.11.10

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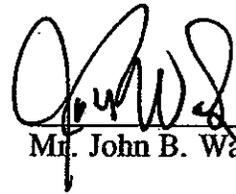
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Attorney David J. Channing

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Mr. John B. Walsh