

STATEWIDE GRIEVANCE COMMITTEE

Hartford J.D., G.A. 13 and the town  
of Hartford Grievance Panel

Complainant

:

vs.

:

Grievance Complaint #09-0243

Francis Minter

:

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, 235 Church Street, New Haven, Connecticut on November 4, 2009. The hearing addressed the record of the complaint filed on March 9, 2009, and the probable cause determination filed by the Windham Judicial District Grievance Panel on September 11, 2009, finding that there existed probable cause that the Respondent violated Rule 8.1(2) of the Rules of Professional Conduct and Practice Book §§2-27(d) and 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 October 5, 2009. Pursuant to Practice Book §2-35(d), Assistant Disciplinary Counsel Suzanne Sutton pursued the matter before this reviewing committee. The Respondent appeared at the hearing and testified. One exhibit was admitted into evidence.

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

On December 1, 2008, the Complainant was asked to investigate the Respondent's failure to comply with the attorney registration requirements of Practice Book §2-27(d). Practice Book §2-27(d) requires an attorney to annually register with the Statewide Grievance Committee the address of the lawyer's office and all trust accounts in which the lawyer is holding funds for more than one client. It also requires an attorney to update his registration if the attorney changes his address or trust accounts. As of November 26, 2008, the Statewide Grievance Committee's records indicated that the Respondent had not registered with the Statewide Grievance Committee since January of 2006. The Statewide Grievance Committee's records further indicated that the Respondent had failed to register an IOLTA clients' funds account held with Sovereign Bank and an IOLTA clients' funds account held with Bank of America.

Grievance Complaint #09-0243

Decision

Page 2

A copy of the letter and materials sent to the Complainant's counsel, Attorney John Quinn, was also mailed to the Respondent. After receiving this material, the Respondent electronically filed his attorney registration on December 4, 2008. The Respondent, however, did not update his registration to include the two IOLTA clients' funds accounts. Thereafter, on December 16, 2008, the Respondent attempted to register the two IOLTA accounts electronically, but failed to properly certify and submit the information. The Respondent did not advise Attorney Quinn of these actions.

On March 9, 2009, Attorney Quinn, on behalf of the Complainant, filed the instant grievance complaint. The grievance complaint was assigned to the New Britain Judicial District and the Hartford Judicial District, for Geographical Area 12 and the towns of Avon, Bloomfield, Canton, Farmington and West Hartford Grievance Panel. On March 12, 2009, a copy of the grievance complaint was sent to the grievance panel's counsel, Attorney Richard Florentine, and to the Respondent. The letter sent to the Respondent advised him of his duty pursuant to Practice Book §2-32 to respond to the grievance complaint within thirty days.

On March 14, 2009, Attorney Florentine returned the matter to the Statewide Grievance Committee for reassignment to another grievance panel. Thereafter, on March 18, 2009, the Respondent sent Attorney Quinn a fax demanding that the grievance complaint the Complainant filed against the Respondent be retracted because the Respondent had registered in December of 2008. The Respondent provided copies of attorney registration forms dated December 4, 2008 and December 16, 2008.

On March 18, 2009, Attorney Quinn forwarded the Respondent's fax to Attorney Florentine. Attorney Florentine forwarded the Respondent's fax to the Statewide Bar Counsel on March 19, 2009. On March 19, 2009, the Statewide Bar Counsel sent a letter to the Respondent notifying him that the grievance complaint had been reassigned to the Windham Judicial District Grievance Panel.

On March 23, 2009, the Respondent reviewed his attorney registration on-line, added the two IOLTA accounts and properly certified and submitted the registration. The Respondent, however, did not advise the Windham Judicial District Grievance Panel of his actions.

On March 25, 2009, the Statewide Grievance Committee forwarded the Respondent's March 18, 2009 fax to Attorney Gregory Benoit, counsel to the Windham Judicial District Grievance Panel, and copied the Respondent. The Respondent did not file a written response to the grievance complaint with Attorney Benoit.

This reviewing committee also considered the following:

In January of 2007, it became mandatory for attorneys to file their annual attorney registration electronically. The Respondent maintained that he did not become aware of this requirement until he received a copy of the letter sent to Attorney Quinn in December of 2008, at which time he electronically filed his attorney registration. The deadline to timely register for 2008 was March 3, 2008.

The Respondent maintained that he provided Attorney Benoit with a written response to the grievance complaint on April 1, 2009. When advised by this reviewing committee that the record did not contain a response from the Respondent, the Respondent provided a letter dated April 1, 2009 to Attorney Benoit that contained the Respondent's original signature. When questioned about whether the response had been mailed, the Respondent surmised that his secretary may have mistakenly put the letter in the file rather than mailing it. The Respondent testified that he received notice of the September 11, 2009 probable cause determination finding probable cause for failing to respond to the grievance complaint. The Respondent acknowledged that he took no action to determine why his April 1, 2009 answer had not been received by the grievance panel.

In his written response, the Respondent maintained that in January of 2009, he received notice of the 2009 annual attorney registration. The Respondent contended that on February 6, 2009 he attempted to register but did not properly hit the "confirm" button prior to inputting the information. The Respondent acknowledged that the information regarding his IOLTA accounts was not properly submitted until March 23, 2009. The Respondent advised this reviewing committee that the Sovereign Bank and Bank of America IOLTA accounts were opened around July of 2007. The Respondent testified that he has no record of registering these accounts in 2007.

This reviewing committee also considered the Respondent's disciplinary history. The Respondent's disciplinary history reflects the following: a reprimand issued by the Statewide Grievance Committee on 6/23/06; a reprimand issued by the Statewide Grievance Committee on 9/8/06; a reprimand issued by the Statewide Grievance Committee on 2/15/07 (Respondent's appeal dismissed; appeal pending at Appellate Court); a reprimand issued by the Statewide Grievance Committee on 4/19/07 (Respondent's appeal dismissed; appeal pending at Appellate Court); a reprimand issued by the Statewide Grievance Committee on 4/17/08 (Respondent's appeal dismissed; appeal pending at Appellate Court); an order of presentment issued by the Statewide Grievance Committee on 4/16/09; an order of presentment issued by the Statewide Grievance Committee on 9/17/09; and an order of presentment issued by the Statewide Grievance Committee on 10/30/09.

Grievance Complaint #09-0243

Decision

Page 4

This reviewing committee concludes by clear and convincing evidence that the Respondent engaged in unethical conduct. The record before this reviewing committee indicates that the Respondent did not register with the Statewide Grievance Committee in 2007 and did not timely register in 2008. Furthermore, the Respondent failed to timely register the two IOLTA clients' funds accounts he opened in July of 2007. Pursuant to Practice Book §2-27(d), the Respondent should have amended his registration in July of 2007 to add these new accounts. Although he attempted to register the accounts in December of 2008, after receiving notice of the investigation of this grievance complaint, the accounts were not successfully registered until March of 2009. Furthermore, the Respondent did not notify the investigating panel of his registration in December of 2008, until after the grievance panel filed this grievance complaint. This reviewing committee concludes that the Respondent's failure to timely comply with the registration requirements of Practice Book §2-27(d) constitutes misconduct.

This reviewing committee further concludes that the Respondent failed to respond to the grievance complaint. The Respondent acknowledged receipt of the grievance complaint and of his duty to respond. Although the Respondent drafted a timely response to the complaint, he failed to forward the response to the grievance panel. Moreover, the Respondent acknowledged that he took no action to determine why his answer had not been received by the grievance panel after receiving notice of the grievance panel's September 11, 2009 probable cause determination. This reviewing committee concludes that the Respondent's failure to respond to the grievance complaint was without good cause, in violation of Practice Book §2-32(a)(1) and Rule 8.1(2) of the Rules of Professional Conduct.

This reviewing committee concludes that the Respondent's conduct, in light of his prior disciplinary history, warrants a presentment. Accordingly, we direct Disciplinary Counsel to file a presentment against the Respondent in the Superior Court for the imposition of whatever discipline the court may deem appropriate.

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DECISION DATE: 1/4/10

Grievance Complaint #09-0243

Decision

Page 5

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Attorney Hugh Cuthbertson

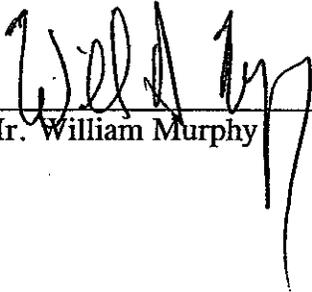
Grievance Complaint #09-0243

Decision

Page 6

  
Jorene M. Couture  
Attorney Jorene Couture

Grievance Complaint #09-0243  
Decision  
Page 7

  
Mr. William Murphy