

STATE OF CONNECTICUT



Michael P. Bowler  
Statewide Bar Counsel

Frances Mickelson-Dera  
Christopher L. Slack  
First Assistant Bar Counsel

Tel: (860) 568-5157

Fax: (860) 568-4953

**STATEWIDE GRIEVANCE COMMITTEE**

*www.jud.ct.gov/sgc/*  
Second Floor - Suite Two  
287 Main Street, East Hartford, Connecticut 06118-1885

07/25/2011

OFFICE OF CHIEF DISCIPLINARY C  
100 WASHINGTON STREET  
HARTFORD CT 06106

BRIAN DALE RUSSELL  
GORDON & RUSSELL  
697 BLUE HILLS AVENUE  
HARTFORD CT 06112

RE: GRIEVANCE COMPLAINT #10-1037  
BOWLER vs. RUSSELL

Dear Respondent and Disciplinary Counsel:

Enclosed herewith is the decision of the reviewing committee of the Statewide Grievance Committee concerning the above referenced matter. In accordance with the Practice Book Sections 2-35, 2-36 and 2-38(a), the Respondent may, within thirty (30) days of the date of this notice, submit to the Statewide Grievance Committee a request for review of the decision.

A request for review must be sent to the Statewide Grievance Committee at the address listed above.

Sincerely,

A handwritten signature in black ink that reads "Michael P. Bowler" followed by a stylized monogram.

Michael P. Bowler

Encl.

cc: Attorney John J. Quinn  
Michael P. Bowler



STATE OF CONNECTICUT  
JUDICIAL BRANCH

**STATEWIDE GRIEVANCE COMMITTEE**

Michael P. Bowler, *Statewide Bar Counsel*

287 Main Street  
Second Floor – Suite Two  
East Hartford, CT 06118-1885  
(860) 568-5157 Fax (860) 568-4953  
Judicial Branch Website: [www.jud.ct.gov](http://www.jud.ct.gov)

Attorney Patricia King  
Acting Chief Disciplinary Counsel  
Office of the Chief Disciplinary Counsel  
100 Washington Street  
Hartford, CT 06106

Attorney Brian Dale Russell  
697 Blue Hills Avenue  
Hartford, CT 06112

RE: Grievance Complaint #10-1037, Bowler v. Russell

Dear Disciplinary Counsel and Respondent:

Pursuant to Practice Book §2-82(b), the undersigned, duly-appointed reviewing committee of the Statewide Grievance Committee, has reviewed the *Proposed Disposition Pursuant to Practice Book §2-82(b)* (hereinafter "*Proposed Disposition*") filed June 9, 2011 and submitted for approval in the above referenced matter. After careful consideration of the *Proposed Disposition*, the Affidavit of the Respondent submitted pursuant to Practice Book §2-82(d) and the entire record, and after conducting a hearing pursuant to Practice Book §2-82(b) on June 9, 2011, the undersigned hereby APPROVE the *Proposed Disposition*, a copy of which is attached hereto. Accordingly, the disposition agreed to by the Disciplinary Counsel and the Respondent in the above referenced matter and set forth in the *Proposed Disposition* is hereby made an order of this reviewing committee.

Pursuant to Practice Book §2-37(c)(7), the Respondent has consented to an order to submit to, and fully cooperate with, an audit of his clients' funds account by the Statewide Grievance Committee including but not limited to an audit of his clients' funds account from February 1, 2010 to August 31, 2010 and any additional audit period as may be determined at the discretion of the Statewide Grievance Committee.

Reviewing committee member Attorney Nancy E. Fraser was not available for the hearing. The Disciplinary Counsel and the Respondent waived the participation of a third reviewing committee member in the consideration and decision of the *Proposed Disposition*. Accordingly, the matter was considered and decided by the undersigned.

Grievance Complaint #10-1037  
Decision  
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So ordered.

(5)  
mp

Encl.

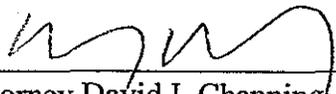
cc: Attorney John Quinn  
Attorney Frances Mickelson-Dera

DECISION DATE: 7/25/11

Grievance Complaint #10-1037

Decision

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Attorney David I. Channing

Grievance Complaint #10-1037  
Decision  
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Mr. Patrick Sheridan

**STATEWIDE GRIEVANCE COMMITTEE**

**MICHAEL BOWLER**  
Complainant

**GRIEVANCE COMPLAINT #**  
10-1037

v.

**BRIAN RUSSELL**  
Respondent

**PROPOSED DISPOSITION PURSUANT TO PRACTICE BOOK § 2-82(b)**

Pursuant to Practice Book § 2-82(b), and Practice Book § 2-82(a)(2), the undersigned Respondent and Disciplinary Counsel stipulate and agree as follows:

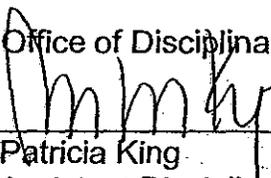
1. Brian Russell (hereinafter Respondent), juris number 410172, was admitted to the bar of the State of Connecticut on December 9, 1994 and has a history of discipline consisting of imposition of conditions by the statewide grievance committee on October 3, 2003 in Hartford J.D. and G.A. 13 Panel v. Russell, No. 02-0157 and a reprimand imposed on May 6, 2005 in Daniels v. Russell, No. 03-0196.
2. The Respondent has registered with the Statewide Grievance Committee for 2011 and is currently in good standing.
3. This matter was instituted by grievance complaint dated December 22, 2010.
4. On February 8, 2011, the Hartford J.D. Grievance Panel found probable cause that the Respondent violated Practice Book § 2-27 arising from his failure to adequately maintain his clients funds account and his failure to adequately explain an overdraft of his clients funds account.
5. The Respondent has tendered an affidavit pursuant to Practice Book § 2-82(d) attached hereto, and acknowledges that there is probable cause that his conduct constituted a violation of Practice Book §§ 2-27 (e).
6. The Respondent and the Disciplinary Counsel agree that the Respondent will consent to an order that he will submit to, and fully cooperate with, an audit of his clients funds account by the Statewide Grievance Committee including but not limited to an audit of his clients' funds account from February 1 – August 31, 2010. The Respondent and the Disciplinary Counsel agree that any additional

audit period may be determined at the discretion of the Statewide Grievance Committee.

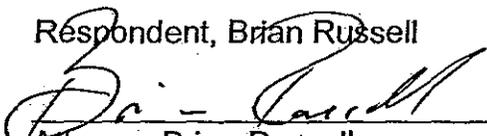
7. The Respondent and Disciplinary Counsel ask the reviewing committee to consider that the Respondent has attended in-person and at his own expense a continuing legal education ("CLE") course in accounting for lawyers. The CLE consisted of 7 credit hours. The Respondent has provided the Disciplinary Counsel with written confirmation of his completion of the CLE course.
8. The Respondent understands that these orders constitute the imposition of discipline pursuant to Practice Book § 2-37(a).
9. The Respondent further understands that his failure to comply with all the terms of this/these conditions will result in the filing of a presentment pursuant to Practice Book § 2-37(c).
10. The Respondent and the Disciplinary Counsel agree that the Disciplinary Counsel will recommend that the Statewide Grievance Committee impose the sanction set forth in this agreement. If this agreement is rejected by the Statewide Grievance Committee, the Disciplinary Counsel will pursue this matter at a hearing before a different reviewing committee.

WHEREFORE, this matter is submitted to the Statewide Grievance Committee for its approval in accordance with Practice Book § 2-82(b).

6/9/11  
Date

Office of Disciplinary Counsel,  
  
By: Patricia King  
Assistant Disciplinary Counsel

6/9/2011  
Date

Respondent, Brian Russell  
  
By: Attorney Brian Russell

**STATEWIDE GRIEVANCE COMMITTEE**

MICHAEL BOWLER  
Complainant

GRIEVANCE COMPLAINT #  
10-1037

v.

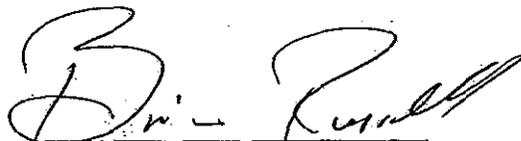
BRIAN RUSSELL  
Respondent

**AFFIDAVIT**

I am over the age of 18 and believe in the obligation of an oath. Pursuant to Practice Book § 2-82(d), I make the following affidavit:

1. The Proposed Disposition attached hereto and made a part hereof is voluntarily submitted.
2. I hereby consent to the form of disposition set out in the foregoing Proposed Disposition.
3. I am aware that I have a right to a full evidentiary hearing on this matter with the assistance of an attorney and I waive that right by entering into this agreement.
4. I have been neither subject to coercion nor duress and I am fully aware of the consequences of this Affidavit and Proposed Disposition.
5. I am aware of the current proceeding regarding my alleged violation of Practice Book §§ 2-27.
6. I acknowledge that my conduct constituted a violation of Practice Book §§ 2-27 in that I failed to adequately maintain my clients funds account and I failed to adequately explain an overdraft of my clients funds account.
7. I consent to an order that I will submit to, and fully cooperate with, an audit of my clients funds account by the Statewide Grievance Committee including but not limited to an audit of my clients' funds account from February 1 – August 31, 2010. I further agree that any additional audit period may be determined at the discretion of the Statewide Grievance Committee.

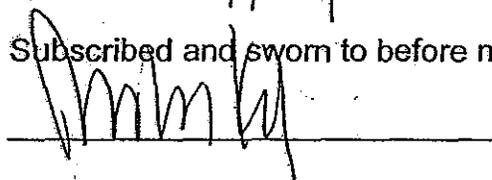
8. I ask the reviewing committee to consider that I have attended in-person and at my own expense a continuing legal education ("CLE") course in accounting for lawyers. The CLE consisted of 7 credit hours. I have provided the Disciplinary Counsel with written confirmation of my completion of the CLE course.
9. I understand that Disciplinary Counsel will recommend that this matter be resolved by the imposition of the sanction set forth in the Proposed Disposition. If this agreement is rejected by the Statewide Grievance Committee, the Disciplinary Counsel will pursue this matter at a hearing before a different reviewing committee.
10. I understand that these orders constitute the imposition of discipline pursuant to Practice Book § 2-37(a).
11. I further understand that my failure to comply with all the terms and conditions stated herein will result in a presentment complaint being filed against me.
12. The foregoing is true and accurate to the best of my knowledge and belief.



Brian Russell

STATE OF CONNECTICUT)  
COUNTY OF Hartford ) ss. Hartford

Subscribed and sworn to before me this 9<sup>th</sup> day of June, 2011



Notary Public/Commissioner of the Superior Court