STATE OF CONNECTICUT

STATEWIDE GRIEVANCE COMMITTEE

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01/13/2012

OFFICE OF CHIEF DISCIPLINARY C
100 WASHINGTON STREET
HARTFORD CT 06106

FRANCIS ANTHONY MINITER
MINITER & ASSOCIATES
100 WELLS STREET
SUITE 2K
HARTFORD CT 06103

RE: GRIEVANCE COMPLAINT #11-0149
LEWIS vs. MINITER

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,

Michael P. Bowler

Encl.
cc: Attorney John J. Quinn
Mark Lewis

NOTICE REGARDING DECISION
- PRESENTMENT -

GRIEVANCE COMPLAINT # 11-0149

THE ATTACHED DECISION IS PRESENTLY STAYED IN ACCORDANCE WITH PRACTICE BOOK §2-35.

SECTION 2-35 STATES, IN PART, AS FOLLOWS:

> **(e) ... Enforcement of the final decision ... shall be stayed for thirty days from the date of the issuance to the parties of the final decision. In the event the respondent timely submits to the statewide grievance committee a request for review of the final decision of the reviewing committee, such stay shall remain in full force and effect pursuant to Section 2-38(b).**

Note: This stay terminates upon the issuance of a final decision by the Statewide Grievance Committee.

DECISION DATE: 1/13/12

STATEWIDE GRIEVANCE COMMITTEE

Mark Lewis Complainant	:	
vs.	:	Grievance Complaint #11-0149
Francis A. Miniter 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 September 7, 2011. The hearing addressed the record of the complaint filed on February 25, 2011, and the probable cause determination filed by the Hartford Judicial District Grievance Panel for G.A. 13 and the town of Hartford on April 19, 2011, finding that there existed probable cause that the Respondent violated Rule 8.1(2) of the Rules of Professional Conduct.

Notice of the hearing was mailed to the Complainant, to the Respondent and to the Office of the Chief Disciplinary Counsel on July 28, 2011. Pursuant to Practice Book §2-35(d), Acting Chief Disciplinary Counsel Patricia A. King pursued the matter before this reviewing committee. This matter was initially scheduled for a hearing on July 6, 2011. The July 6th hearing date was continued to allow for an accommodation to the Complainant under the Americans with Disabilities Act (ADA). The Respondent appeared on July 6th and objected to the continuance. The objection was overruled and a hearing was scheduled for September 7, 2011. On the September 7th hearing date, the Complainant appeared, via video teleconferencing from South Carolina, and testified. The Respondent did not appear.

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

The Complainant filed this grievance complaint on February 25, 2011, alleging that the Respondent failed to comply with a written request to provide the Complainant with documentation, including an invoice, work product, and materials filed in court, from the Respondent's representation of the Complainant in a prior civil matter originating in 2001.

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

This reviewing committee also considered the following:

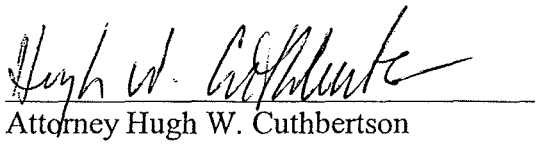
The probable cause finding in this matter was premised solely upon the Respondent's failure to answer the grievance complaint. The Complainant testified before this reviewing committee and stated that he had requested documentation from the Respondent in 2005 and had received some material in response, but not all. The Complainant had previously grieved the Respondent in 2004 and again in 2009, but both of those grievances were ultimately dismissed. In closing statements the Disciplinary Counsel asked for additional findings based on the Respondent's failure to provide the requested documentation.

The Respondent has been ordered presented in nine grievance complaints over the last three years. On November 30, 2011, the Respondent was given a seven year suspension by the Superior Court as a result of those presentments.

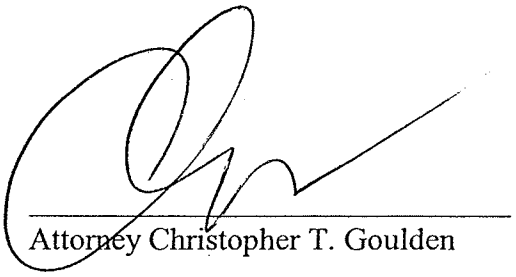
This reviewing committee concludes by clear and convincing evidence that the Respondent engaged in unethical conduct in this matter. The Respondent's failure to file an answer to the grievance complaint in this matter, as required by Practice Book Section 2-32(a)(1), constitutes a knowing failure to respond to a lawful demand for information from a disciplinary authority, in violation of Rule 8.1(2) of the Rules of Professional Conduct. Given the Respondent's significant disciplinary history, it is the decision of this reviewing committee that the Disciplinary Counsel is directed to bring a presentment against the Respondent in the Superior Court, for the imposition of whatever sanctions the Court deems appropriate. This reviewing committee declines to add any additional charges in this matter, noting that the Grievance Panel had before it the specific issue of the Respondent's failure to turn over documents but declined to find probable cause on that issue, and also noting the dismissal of the two prior grievance complaints.

(8)
jf

DECISION DATE: 1/13/12



Attorney Hugh W. Cuthbertson



Attorney Christopher T. Goulden

Dr. Romeo Vidone

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