

STATE OF CONNECTICUT



Michael P. Bowler
Statewide Bar Counsel

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STATEWIDE GRIEVANCE COMMITTEE

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Second Floor - Suite Two
287 Main Street, East Hartford, Connecticut 06118-1885

08/12/2016

OFFICE OF CHIEF DISCIPLINARY C
100 WASHINGTON STREET
HARTFORD CT 06106

ROBERT A SERAFINOWICZ
LAW OFFICES OF ROB SERAFINOWICZ, LL
P.O. BOX 29
590 MIDDLEBURY ROAD
MIDDLEBURY CT 06762

RE: GRIEVANCE COMPLAINT #15-0599
WATERBURY JD GREIVANCE PANEL vs. SERAFINOWICZ

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,

Handwritten signature of Michael P. Bowler in black ink.
Michael P. Bowler

Encl.

cc: Attorney Michael A. Georgetti
WATERBURY JD GREIVANCE PANEL

**NOTICE REGARDING DECISION
- PRESENTMENT -**

GRIEVANCE COMPLAINT # 15-0599

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: 8.12.16

STATEWIDE GRIEVANCE COMMITTEE

Waterbury Judicial District Grievance Panel
Complainant :

vs. : Grievance Complaint #15-0599

Robert Serafinowicz :
Respondent

DECISION

Pursuant to Practice Book §2-82(c), the undersigned, duly-appointed reviewing committee of the Statewide Grievance Committee, conducted a hearing at the Superior Court, 1 Lafayette Circle, Bridgeport, Connecticut on May 12, 2016. The hearing addressed the record of the complaint filed on September 21, 2015, and the probable cause determination filed by the New Haven Judicial District Grievance Panel for Bethany New Haven and Woodbridge on January 15, 2016, finding that there existed probable cause that the Respondent violated Rules 1.6(a) and 8.4(2) of the Rules of Professional Conduct.

Notice of the hearing was mailed to the Complainant, to the Office of the Chief Disciplinary Counsel, and to the Respondent on March 29, 2016. Pursuant to Practice Book §2-82(c), Assistant Disciplinary Counsel Desi Imetovski pursued the matter before this reviewing committee. The Respondent appeared at the hearing. No exhibits were admitted into the record.

The parties offered an admission of misconduct into the record by which the Respondent acknowledged that there is sufficient evidence in the record of this grievance complaint to support a finding by clear and convincing evidence that he violated Rule 8.4(2) of the Rules of Professional Conduct and the Disciplinary Counsel agreed not to pursue the charge that he violated Rule 1.6(a) of the Rules of Professional Conduct. Pursuant to Practice Book §2-82(c), we ACCEPT the admission of misconduct.

The underlying facts reflected in the record are, as follows:

The Respondent primarily practices criminal defense law. The Respondent struck up a friendship with Stacy B.¹, a forensic psychologist. During the friendship, Stacy B. consulted with the Respondent regarding a restraining order entered against him in Massachusetts. The Respondent contacted the holder of the restraining order in Massachusetts to try and resolve the matter. The friendship continued. Thereafter, there was a breakdown in the friendship and Stacy B. withdrew his friendship from the Respondent and attempted to distance himself from the

¹ In accordance with the Judicial Branch's policy of protecting the privacy interest of the applicant for a protective order, we decline to identify the Respondent's victim.

Respondent. The Respondent responded to this by sending multiple e-mails and letters to various professional organizations and public boards identifying Stacy B. as an unfit person and calling his character into question. The verbal and written attacks included a complaint to the Board of Education in the town where Stacy B.'s child attended school and organizations that used Stacy B.'s professional services. Stacy B. complained to the police about the Respondent's conduct. The Respondent was warned by the police to stop his campaign of harassment. The Respondent continued to send the harassing messages. The Respondent was warned by the court to stop. The Respondent continued to send the harassing messages. The messages and comments included claims that Stacy B. was a "dangerous individual" and a "psychopath". The Respondent told officials employed by the school system attended by Stacy B.'s child that Stacy B. was a "danger to children". The Respondent created a website that he directed third parties to view, which contained a lengthy manifesto on the dangerousness of Stacy B. and included references to the protective order, about which Stacy B. had consulted with the Respondent.

Stacy B. reasonably believed he was being hunted by the Respondent and took the following precautions. He obtained a post office box, he registered his new car under his wife's premarital name, and he hired an Internet company to delete any derogatory information about him that was electronically posted.

The Respondent then filed an application for a protective order asking the court to protect him from Stacy B. Stacy B. filed a counter application and the matter was heard by the court. In the middle of the court proceedings, the Respondent walked out of the hearing rather than subject himself to cross-examination. The Court took a negative inference from the Respondent's refusal to testify and found that there was reasonable fear on the part of Stacy B. that the Respondent was stalking him. A civil protective order was entered in Stacy B.'s favor. The Respondent's civil protective order was denied. The Respondent took an appeal of that decision and the Appellate Court affirmed the trial court's findings. See Stacy B. v. Robert S., 165 Conn. App. 374 (2016).

Accordingly, given these facts and circumstances, the Respondent acknowledges that there is sufficient evidence that he committed a criminal act that reflects adversely on his honesty, trustworthiness or fitness as a lawyer in other respects.

We also considered the following:

In 2014, the Respondent was ordered to attend six hours of continuing legal education ("CLE") in legal ethics as part of an agreement in which he acknowledged that he violated Rule 3.3(b) of the Rules of Professional Conduct. King v. Serafinowicz, Grievance Complaint #13-0655. The record of that grievance complaint reveals that the Respondent's client was actively violating a criminal protective order entered against her by living with her then boyfriend. The Respondent pursued a motion to modify the criminal protective order. In the motion, his client falsely claimed she was in compliance with the protective order. The Respondent knew that his client was violating several criminal protective orders, by living with her then boyfriend. The

Respondent did not disclose to the court or take any remedial or corrective action regarding his client's false representation to the court that she was in compliance with the protective orders, despite his knowledge that the representation was false. When the prosecutor found out about the Respondent's conduct he demanded the Respondent self-report the conduct or the prosecutor would do so.

In 2015, the Respondent was suspended from the practice of law for four months because he gave an interview to the media on the steps of the Derby courthouse in which he made false statements disparaging a judge by questioning his abilities, competency and impartiality in violation of Rules 8.2(a) and 8.4(4). Disciplinary Counsel v. Serafinowicz, Docket Number UWY-CV-13-6018974, Judicial District of Waterbury at Waterbury, aff'd, 160 Conn. App. 92 (2015).

The Disciplinary Counsel argued that she did not believe either a dismissal or a presentment was appropriate, but she had no opinion on what discipline would be appropriate in this matter and deferred to the reviewing committee to determine a fair and appropriate disposition. She identified the Respondent's prior disciplinary history as an aggravating factor, but cited mitigating factors in that the Respondent had personal troubles in his life, this criminal conduct was unrelated to the prior disciplinary conduct, and the Respondent was cooperative with disciplinary authorities.

The Respondent indicated that he went through a bad time in his life when his mother was suffering from an undiagnosed terminal illness and he was her primary caregiver. She has since recovered. He testified that he regrets what happened and would do it differently if he could, but he wants to accept responsibility and put this matter behind him. The Respondent indicated that he has attended a lot of anger management classes and he now knows that he must avoid conflict and walk away from it rather than engage in the type of misconduct that took place here.

We considered the Respondent's prior disciplinary history an aggravating factor. The two prior disciplinary matters along with this matter, demonstrate that the Respondent has a clear problem with anger management, impulse control and respecting authority. This reviewing committee is very worried that the Respondent is likely to re-offend. "Declarations of good moral character do not necessarily refute the evidence of bad moral character reasonably inferable from the prior egregious misconduct." Rapoport v. Statewide Grievance Committee, 119 Conn. App. 269, 282 (2010) quoting In re Application of Avcollie, 43 Conn Sup. 23, 27 (1993).

This reviewing committee did not find evidence of remorse in the record. "The most apt definition of remorse is gnawing distress arising from a sense of guilt for past wrongs as injuries done to others." Disciplinary Counsel v. Karanian, J.D. of New Britain at New Britain, Docket Number HHB-CV-08-4027393-S (July 15, 2015) at 13. The Respondent did not express any regret for how his misconduct affected the life of his victim. From 2012-2015, the Respondent

carried on a campaign of harassment against Stacy B., including attacking his reputation as a father to school officials. Stacy B. obtained a post office box, registered his new car under his wife's premarital name, and hired an Internet company to delete any derogatory information about him that was electronically posted. The Court found that he reasonably feared the Respondent.

We do not find evidence of good character or reputation in the Bar in the record. One prior disciplinary matter involves a prosecutor requiring the Respondent self-report his misconduct and the second disciplinary matter involves the Respondent making disparaging remarks about a judge on the steps of the Derby courthouse.

We do not believe the Respondent has taken appropriate steps to demonstrate that this egregious conduct will not happen again. The Respondent offered a completely impractical solution for a criminal defense attorney; he stated that in the future he will walk away from conflict. Attorneys are not paid to walk away from conflict, they are paid to resolve conflict in a reasonable and proportional manner.

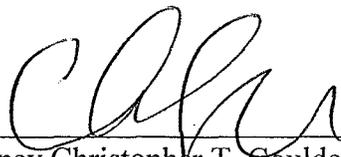
Pursuant to Practice Book §2-82(c) and Rule 11.D.3 of the Statewide Grievance Committee Rules of Procedure, we direct the Disciplinary Counsel to file a presentment against the Respondent in the Superior Court for the imposition of whatever discipline is deemed appropriate. In reaching this decision, the aggravating factors we found were: 1) prior disciplinary offenses; 2) a pattern of misconduct; and 3) a lack of remorse. The mitigating factor we found was a cooperative attitude towards the disciplinary process. Given the seriousness of the offense, and our concern that the Respondent is very likely to reoffend, this matter should be presented to a judge for an appropriate disposition in order to protect the public.

(D)
EMR

DECISION DATE:

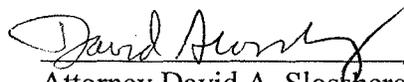
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Attorney Christopher T. Goulden

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Attorney David A. Slossberg

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Ms. Judith Freedman

STATEWIDE GRIEVANCE COMMITTEE

WATERBURY J.D. GRIEVANCE PANEL
Complainant

v.

GRIEVANCE COMPLAINT #
15-0599

ROBERT A. SERAFINOWICZ
Respondent

ADMISSION OF MISCONDUCT PURSUANT TO PRACTICE BOOK § 2-82(c)

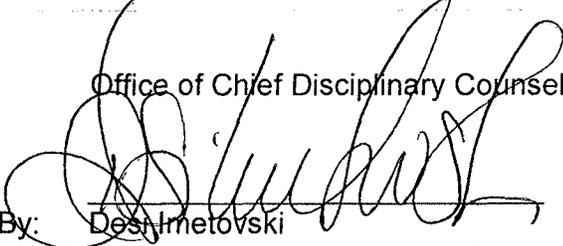
Pursuant to Practice Book § 2-82(c), and Practice Book § 2-82(a)(2), the undersigned Respondent and Disciplinary Counsel stipulate and agree as follows:

1. Robert Serafinowicz (hereinafter Respondent), juris number 423695, was admitted to the State of Connecticut on November 1, 2004. Respondent was sanctioned in 2014 (Grievance No. 13-0655), and suspended from the practice of law for 120 days in 2015 (UWV CV 13-6018974).
2. The Respondent has not registered with the Statewide Grievance Committee for 2016 and therefore is ~~not~~ currently in good standing.
3. This matter was instituted by grievance complaint dated August 18, 2015.
4. On January 15, 2016, the New Haven J.D. Grievance Panel for the Towns of Bethany, New Haven & Woodbridge found probable cause that the Respondent violated Rules 1.6(a) and 8.4(2) of the Rules of Professional Conduct.
5. The Respondent has tendered an affidavit pursuant to Practice Book § 2-82(d) attached hereto, and although the Respondent denies some or all of the material facts in the complaint, he acknowledges that there is sufficient evidence to prove by clear and convincing evidence the material facts constituting a violation of Rule 8.4(2) of the Rules of Professional Conduct.
6. Respondent and Disciplinary Counsel agree that as part of the proposed disposition, Disciplinary Counsel will not pursue the probable cause finding constituting a violation of Rule 1.6(a) of the Rules of Professional Conduct.

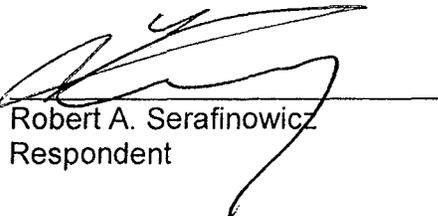
7. Pursuant to Practice Book § 2-82(c), the Respondent and Disciplinary Counsel are unable to agree to a proposed disposition, but agree that this matter shall be submitted to a reviewing committee of the Statewide Grievance Committee for the imposition of whatever discipline said reviewing committee deems appropriate.
8. The Respondent and the Disciplinary Counsel agree that if this Admission of Misconduct is rejected by the Statewide Grievance Committee, the Disciplinary Counsel will pursue this matter at a contested hearing.

WHEREFORE, this matter is submitted to the Statewide Grievance Committee for its consideration, possible acceptance and disposition in accordance with Practice Book § 2-82(c).

5/12/2016
Date

Office of Chief Disciplinary Counsel,

By: Desislav Dimitrovski
Assistant Chief Disciplinary Counsel

May 12, 2016
Date


Robert A. Serafinowicz
Respondent

STATEWIDE GRIEVANCE COMMITTEE

WATERBURY J.D. GRIEVANCE PANEL
Complainant

v.

GRIEVANCE COMPLAINT #
15-0599

ROBERT A. SERAFINOWICZ
Respondent

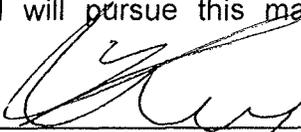
AFFIDAVIT

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 Admission of Misconduct attached hereto and made a part hereof is voluntarily submitted.
2. I hereby consent to this matter being tendered to a reviewing committee of the Statewide Grievance Committee for consideration, possible acceptance and 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 Admission of Misconduct.
5. I am aware of the current proceeding regarding my alleged violation of Rules 1.6(a) and 8.4(2) of the Rules of Professional Conduct.
6. Although I deny some or all of the material facts alleged in the complaint, I acknowledge that there is sufficient evidence to prove by clear and convincing evidence the material facts constituting a violation of Rule 8.4(2) of the Rules of Professional Conduct.
7. I understand that as part of the proposed disposition, Disciplinary Counsel will not pursue the probable cause finding constituting a violation of Rule 1.6(a) of the

Rules of Professional Conduct.

8. I agree to accept whatever disposition is deemed appropriate by said reviewing committee.
9. I understand and agree that if this agreement is rejected by said reviewing committee, the Disciplinary Counsel will pursue this matter at a contested hearing.



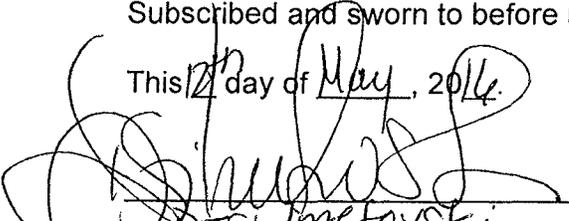
Robert A. Serafinowicz

STATE OF CONNECTICUT)

COUNTY OF Fairfield) ^{ss.} Bridgeport

Subscribed and sworn to before me

This 12 day of May, 2014.



Desi Metovski

Notary Public

Commissioner of the Superior Court