NOTICE

STATE OF CONNECTICUT

NNH CV 20-6110315 S. OFFICE OF CHIEF DISCIPLINARY COUNSEL VS. KEITH V. SITTNICK. SUPERIOR COURT, JUDICIAL DISTRICT OF NEW HAVEN AT NEW HAVEN, NOVEMBER 3, 2021.

ORDER RE: ATTORNEY DISCIPLINE

On the basis of the foregoing findings of fact as related to Counts One and Three of the Amended Complaint, the court finds that the Respondent has violated the following Rules of Professional Conduct 1.15 (b) and 8.1(2) and Practice Book §§ 2-27(e) and (f). As it relates to the Respondent's violation of Rule 8.1(2) in particular, the record amply demonstrates that the Respondent was unreasonably slow in responding to requests from the Statewide Grievance Committee and the Disciplinary Counsel and, when he did respond, the responses were vague and incomplete, and often lacking supporting documentation.

A trial court has ''inherent judicial power, derived from judicial responsibility for the administration of justice, to exercise sound discretion to determine what sanction to impose in light of the entire record before it.'' (Internal quotation marks omitted.) Statewide Grievance Committee v. Shluger, 230 Conn. 668, 678 (1994). ''Disciplinary proceedings are for the purpose of preserving the courts from the official ministration of persons unfit to practice in them. . . . The proceeding to disbar [or suspend] an attorney is neither a civil action nor a criminal proceeding, but is a proceeding sui generis, the object of which is not the punishment of the offender, but the protection of the court.'' (Internal quotation marks omitted.) Chief Disciplinary Counsel v. Zelotes, 152 Conn. App. 380, 385, cert. denied, 314 Conn. 944 (2014).

The commentary to rule 1.15 of the Rules of Professional Conduct provides that ''[a] lawyer should hold property of others with the care required of a professional fiduciary.'' Subsection (b) of rule 1.15 requires a lawyer to keep ''[c]omplete records of such account funds. . . .'' Practice Book § 2–27(c) complements that rule by requiring that the records of a client trust account be available for audit by the Statewide Grievance Committee or disciplinary counsel ''[u]pon the filing of a grievance complaint or a finding of probable cause. . . .'' Disciplinary Counsel v. Evans, 159 Conn. App. 343, 358 (2015).

While the court in no way wishes to diminish Respondent's violations of the foregoing provisions, it is his violation of Rule 8.1(2) in failing to cooperate with the grievance authorities that most concerns the court. Throughout this process, the Respondent has repeatedly stated, with accuracy, that he never misused client funds. However, the attorney audit process and any discipline that may stem from it is not entirely about punishing defalcators. Prompt compliance is necessary because the regulators are unable to ferret out the bad actors in the profession if they are engaged in repeated back-and forth communications with attorneys who take an ''ostrich with its head in the sand'' or passive-aggressive approach to the audit process. The evidence in this matter supports the conclusion that Respondent engaged in both types of behavior during the extended period of time this matter was pending.

After due consideration, the court issues a reprimand, with the following condition: Should the Respondent elect to resume doing commercial or residential closings, he is required to immediately contact the Office of Disciplinary Counsel and submit to random audits of any and all of his IOLTA accounts for a period of three years from the date of contact. Any improprieties discovered in the course of those audits shall be brought to the attention of the court for further review and, if appropriate, discipline.

BY THE COURT
James W. Abrams, *Judge*