

**M07-0365**(Guliani)

**STATE OF CONNECTICUT**

**SUMMARY OF PROBABLE CAUSE DETERMINATION**

**Middlesex Judicial District Local Grievance Panel Complaint #07-0365**

**TO: Statewide Bar Counsel, 287 Main St., 2<sup>nd</sup> Floor - #2, East Hartford, CT 06118-1885**

**RESPONDENT ATTORNEY (name and office address):** Attorney Richard John Guliani  
55 Copper Beech Lane, Portland, CT 06480

**COMPLAINANT: (name and address):** Hon. James J. Lawlor, Administrator, 186 Newington Rd., West Hartford, CT 06110

**SUMMARY OF COMPLAINT, ANSWER AND EVIDENCE**

**COMPLAINT SUMMARY:** C is the Probate Court Administrator for the State of Connecticut. R served as Probate Judge for the District of Portland from January 1991 to January 2007. R's successor, Stephen E. Kinsella, discovered that with respect to the matter of the Estate of Vincent W. Olson (deceased) R simultaneously acted as an attorney for Shirley E. Olson (who was appointed as Executrix) by R and as Probate Judge. In 1998 R issued a certificate of Devise to his client without any request from the estate's fiduciary or a finding that it was in the best interests of the parties in interest – and the estate remains open. R used the Probate Court office for his own private practice (phone and fax numbers and email). C submits this is a violation of Rules 1.11 and 1.12 as well as 8.4. C also charges that R misrepresented the law to his client when he advised her that his fees were "presumptively reasonable".

Subsequent file review has revealed that R acted as attorney on two other files that he presided over as the Probate Judge: 1) the Estate of Eleanor S. Lewis (December 2000) – and improperly rescinded an admission of the will to probate without meeting the statutory requirements; and 2) the Estate of Theresa D. Supple (June 2000) – where R and his wife served as witnesses to a will that he as Judge admitted to probate – and had a claim filed for legal services (\$650).

**ANSWER SUMMARY:** R has failed to file any response

**ACTION TAKEN BY PANEL AND REASONS: FINDINGS:**  NO CRIME ALLEGED  
 CRIME ALLEGED  PROBABLE CAUSE  NO PROBABLE CAUSE  DISMISSED

The Panel determined that there was probable cause to support the following findings of fact: All allegations of the complaint are true. R has not responded to this grievance complaint, and has not shown any good cause for his failure to do so.

The Panel concluded that there is probable cause that the Respondent violated the following Rules of Professional Conduct and/or P.B. Section(s):

Rule 1.11(d) (2) Special Conflict of Interest for Former and Current Government Employees. This rule prohibits a lawyer from participating in his public office in a matter that he participated personally and substantially as a lawyer while in private practice. The Panel finds that R violated this restraint as set forth more particularly in the above findings of fact.

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Rule 1.12 (a) Former Judge, Arbitrator, Mediator or Other Third-Party Neutral. This Rule prohibits a lawyer from representing a client on a matter on which the lawyer participated as a judge. The Panel finds that R violated this restraint as set forth more particularly in the above findings of fact.

Rule 8.4 (4) Misconduct. This Rule prohibits an attorney from engaging in conduct that is prejudicial to the administration of justice. The Panel finds that R violated this restraint as set forth more particularly in the above findings of fact.

Practice Book Section 2-32(a)(1) This Rule of Practice, established by the Judges of the Superior Court, provides that when an attorney has been grieved, the respondent attorney shall respond within 30 days of the date notification is mailed to the respondent unless for good cause shown such time is extended by the grievance panel. The response shall be sent to the grievance panel to which the complaint has been assigned. The failure to file a timely response shall constitute misconduct unless the respondent establishes that the failure to respond timely was for good cause shown. R has not responded to this grievance complaint, and has not shown any good cause for his failure to do so.

Rule 8.4 (6) This Rule prohibits an attorney from knowingly assisting a judge or judicial officer in conduct that violates the canons of a judge or judicial officer. R's cited failures – acts of omission and commission – as found by the Panel, violates this restraint.

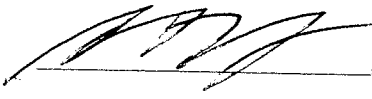
Was Probable Cause Found? Yes [  ] No [  ]

Was Probable Cause found that the Respondent Attorney was Guilty of Misconduct? [  ] Yes [  ] No

Was Proceeding Public at Request of Respondent Attorney [  ] Yes [  ] No

Date Transcript Ordered:

Name of Reporter/Monitor:

 \_\_\_\_\_, Gregory A. Benoit, Panel Counsel    DATE: 6/19/07