

STATEWIDE GRIEVANCE COMMITTEE

Da-Quane Adams
Complainant

:

vs.

:

Grievance Complaint #09-0379

Morris Olmer
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, 80 Washington Street, Hartford, Connecticut on December 3, 2009. The hearing addressed the record of the complaint filed on April 16, 2009, and the probable cause determination filed by the New Haven Judicial District Grievance Panel for the towns of Bethany, New Haven and Woodbridge on June 19, 2009, finding that there existed probable cause that the Respondent violated Rules 1.4(a)(2), 1.16(d) and 8.1(2) of the Rules of Professional Conduct, and Practice Book §2-32(a)(1).

Notice of the hearing was mailed to the Complainant, to the Office of the Chief Disciplinary Counsel, and to the Respondent on November 2, 2009. Pursuant to Practice Book §2-35(d), First Assistant Chief Disciplinary Counsel Patricia King pursued the matter before this reviewing committee. Neither the Complainant nor the Respondent appeared at the hearing.

Reviewing committee member Attorney Noble F. Allen was not available for the December 3rd hearing. Disciplinary Counsel waived the participation of Attorney Allen in the decision of this case. Accordingly, the matter was heard and decided by the undersigned.

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

On March 23, 2004, the Complainant retained the Respondent to represent the Complainant in a criminal matter following his arrest for robbery and assault. The Complainant was later convicted on these charges.

The Complainant now has a habeas corpus matter pending based upon the criminal matter in which he was represented by the Respondent. The Complainant has repeatedly requested his file from the Respondent. The Respondent has not communicated with the Complainant nor provided him with his file. The Respondent did not answer this grievance complaint.

This reviewing committee finds by clear and convincing evidence that the Respondent engaged in unethical conduct. It is clear from the record that the Respondent represented the

Grievance Complaint #09-0379

Decision

Page 2

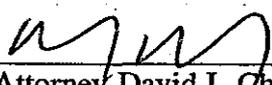
Complainant in the Complainant's criminal matter upon which the habeas is based. The Respondent should have a file to provide the Complainant. His failure to turn over the file to the Complainant violated Rule 1.16(d) of the Rules of Professional Conduct. The Respondent's failure to respond to the Complainant's requests violated Rule 1.4(a)(2) of the Rules of Professional Conduct. The Respondent's failure to answer the grievance complaint violated Rule 8.1(2) of the Rules of Professional Conduct and Practice Book § 2-32(a)(1).

In light of the seriousness of the misconduct, we direct the Disciplinary Counsel to file a presentment against the Respondent in the Superior Court for whatever discipline the Court deems appropriate.

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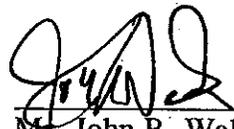
DECISION DATE: 1/29/10

Grievance Complaint #09-0379
Decision
Page 3



Attorney David I. Channing

Grievance Complaint #09-0379
Decision
Page 4



Mr. John B. Walsh