

CONNECTICUT
LEGAL ETHICS &
MALPRACTICE

CONNECTICUT LEGAL ETHICS & MALPRACTICE

FOURTH EDITION

**Mark A. Dubois
James F. Sullivan**

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Dedication

This book is dedicated to the attorneys, lay volunteers, investigators and staff of the Statewide Grievance Committee, Office of the Statewide Bar Counsel, Office of the Chief Disciplinary Counsel and Lawyers Concerned for Lawyers .

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About This Book

The fields of legal ethics and malpractice are simple in theory yet they can be extremely complex in practice. There are many good texts and treatises that address the myriad problems and issues that can be encountered by even the most careful practitioner. We do not pretend that this book duplicates all of that material.

Rather, what we have tried to do in this book is to provide the Connecticut practitioner with a practical and useful guide to both legal ethics and malpractice. We have focused on the Connecticut Rules of Professional Conduct, which differ in some important ways from the model rules regime and the rules of many other states and Connecticut case law concerning malpractice claims to serve both as a guide to practitioners and as a blueprint to use in litigating such cases. The Connecticut Rules of Professional Conduct and their Amendments can be found on the Judicial Branch's website, <http://www.jud.ct.gov/pb.htm>; the Grievance Decisions can be found at <http://www.jud.ct.gov/sgcdecisions>.

We hope that you will find this book useful. We caution, however, that each session of the Rules Committee brings the possibility of changes to the rules. Further, the interpretive decisions concerning the rules and the reported cases concerning ethics and malpractice do not cover every circumstance. Because much of this law is made in case and controversy, the current thinking on any particular topic treated in this book may be different by the time you read this book. Thus, careful updating is wise and you are advised to read our future editions. Thank you for reading this book. We thank the publisher for this wonderful professional opportunity and the editor for her patience and hard work. We also acknowledge our partners and colleagues at Geraghty and Bonnano and Logan, Vance, Sullivan, Kores whose support and patience have made this book possible. Finally, we would especially like to thank our wives for their love and support during the writing of this book.

— Mark A. Dubois & James F. Sullivan

About the Authors

Mark A. Dubois is counsel to Geraghty & Bonnano, LLC in New London. From 2003 to 2011, he was Connecticut's first Chief Disciplinary Counsel. As disciplinary counsel, he established an office that investigates and prosecutes both ethical violations and the unauthorized practice of law.

Dubois has taught law at University of Connecticut School of Law from which he graduated. He has also taught ethics at Quinnipiac University School of Law and Yale Law School. He was board certified as a civil trial advocate by the National Board of Trial Advocacy for twenty years. He is past President of the Connecticut Bar Association. He lectures frequently in Connecticut and nationally to bar and bench groups on topics related to legal ethics.

Dubois wrote an influential amicus brief in the landmark case of *Bysiewicz v. DiNardo* which went to the Connecticut Supreme Court on the issue of defining whether political activity is the practice of law for purposes of holding the Office of the Connecticut Attorney General.

An avid cyclist and a long-distance runner, Dubois spends his spare time collecting and rebuilding bikes, and cleaning beaches and working in a soup kitchen in his second hometown of Provincetown, Massachusetts.

James F. Sullivan is a partner at Logan, Vance, Sullivan & Kores, LLP of Hartford, where he regularly represents attorneys and firms in legal malpractice practice actions. He received his J.D. with Honors from the University of Connecticut School of Law, where he was editor in chief of the Connecticut Law Review, and had received numerous academic awards. Upon graduation from law school, Sullivan clerked for Justice Robert J. Callahan of the Connecticut Supreme Court.

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