

DOCKET NO. HHD-CV-17-6084248S : SUPERIOR COURT
OFFICE OF CHIEF DISCIPLINARY COUNSEL : J.D. OF HARTFORD
VS. : AT HARTFORD
ROBERT O. WYNNE :

ORDER

The foregoing matter having been heard, the Court hereby finds that the Respondent, Robert O. Wynne, Juris No. 404770, has engaged in misconduct in that:

As to the THIRD COUNT of the Second Amended Presentment dated May 24, 2018, he violated Rules 1.1; 1.3; 1.4(a); 1.5(a); 8.1(2) and 8.4(3) of the Rules of Professional Conduct and Practice Book §2-32(a)(1), as follows:

- a. The Respondent failed to pay the medical lien for more than eight months after the date of the settlement constituting a lack of competence and diligence;
- b. The Respondent failed to respond to numerous communication attempts from the complainant and his new counsel;
- c. The Respondent collected his full contingent fee but did not timely comply with his responsibility to pay off the medical lien, rendering his fee unreasonable;
- d. The Respondent made repeated misrepresentations that the check had been mailed or would be mailed when in fact he did not do so until months later; and
- e. The Respondent failed to file an answer to the grievance complaint.

As to the FOURTH COUNT of the Second Amended Presentment dated May 24, 2018, he violated Rules 1.15(b) and 8.1(2) of the Rules of Professional Conduct and Practice Book § 2-32(a)(1); § 2-27(a) and § 2-27(c), as follows:

- a. The Respondent failed to reply to the overdraft notices of the Statewide Grievance Committee;
- b. The Respondent did not answer the grievance complaint;
- c. The Respondent failed to provide his client a written fee agreement;
- d. The Respondent permitted overdrafts to occur in his IOLTA account which constitutes an unauthorized use of client account funds;
- e. The Respondent failed to provide the required IOLTA account records; and
- f. The Respondent failed to safeguard his clients funds account by allowing three overdrafts to occur.

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As to the FIFTH COUNT of the Second Amended Presentment dated May 24, 2018, he violated Rules 1.15(b); 1.15(e), 8.4(3), 8.4(4) and 8.1(2) of the Rules of Professional Conduct and Practice Book § 2-32(a)(1), as follows:

- a. The Respondent failed to return the \$5,000.00 being held in escrow to the Complainant though he promised to do so;
- b. The Respondent failed to safeguard funds he was holding for a client and promptly deliver those funds to the client;
- c. The Respondent failed to answer the grievance complaint;
- d. The Respondent failed to respond to the October 5, 2017 letter from the Office of Chief Disciplinary Counsel;
- e. The Respondent committed dishonesty and/or fraud by not returning the \$5,000.00; and

- f. The Respondent's conduct was prejudicial to the administration of justice by not returning the \$5,000.00.

As to the SIXTH COUNT of the Second Amended Presentment dated May 24, 2018, he violated Rule 8.1(2) of the Rules of Professional Conduct and Practice Book §§ 2-27 and 2-32(a)(1), as follows:

- a. The Respondent failed to answer the grievance complaint;
- b. The Respondent failed to answer the letter from the Office of Chief Disciplinary Counsel;
- c. The Respondent allowed a registered IOLTA account to overdraft; and
- d. The Respondent failed to cooperate and provide documentation with the overdraft investigation and audit with the Statewide Grievance Committee.

Accordingly, it is hereby ORDERED that:

As to the THIRD COUNT:

1. The Respondent, Robert O. Wynne, Juris No. 404770, is hereby suspended from the practice of law for a period of thirty (30) days, commencing on January 21, 2019.

2. Attorney J. Mark Silhavy, Juris No. 101568, of 208 Brandy Hill Road, Vernon, Connecticut 06066, is hereby appointed as Trustee to take such steps as are necessary to protect the interests of Respondent's clients, to inventory Respondent's files, and to take control of the Respondent's clients' funds accounts. The Respondent shall cooperate with the Trustee in this regard.

3. The Respondent shall not deposit to, or disburse any funds from, his clients' funds accounts.

4. The Respondent shall comply with Practice Book §2-47B (Restrictions on the Activities of Deactivated Attorneys).

As to the FOURTH COUNT:

The Respondent shall immediately submit to, and fully cooperate with, an audit of his TD Bank IOLTA account ending in #1682 by the Statewide Grievance Committee for the period January 1, 2017 through October 31, 2018, and shall further submit to, and fully cooperate with, monthly audits of said account by the Statewide Grievance Committee for the period beginning November 1, 2018 through and including October 31, 2019. Any additional audit period may be determined at the discretion of the Statewide Grievance Committee.

As to the FIFTH COUNT:

1. The Respondent, Robert O. Wynne, Juris No. 404770, is hereby suspended from the practice of law for a period of thirty (30) days, commencing immediately upon the conclusion of the suspension imposed as to the THIRD COUNT herein.

2. Attorney J. Mark Silhavy, Juris No. 101568, of 208 Brandy Hill Road, Vernon, Connecticut 06066, is hereby appointed as Trustee to take such steps as are necessary to protect the interests of Respondent's clients, to inventory Respondent's files, and to take control of the Respondent's clients' funds accounts. The Respondent shall cooperate with the Trustee in this regard.

3. The Respondent shall not deposit to, or disburse any funds from, his clients' funds accounts.

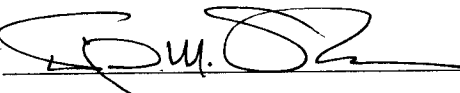
4. The Respondent shall comply with Practice Book §2-47B (Restrictions on the Activities of Deactivated Attorneys).

As to the SIXTH COUNT:

The Respondent shall immediately submit to, and fully cooperate with, an audit of his TD Bank IOLTA account ending in #0112 by the Statewide Grievance Committee for the period November 1, 2017 through October 31, 2018, and shall further submit to, and fully cooperate with, monthly audits of said account by the Statewide Grievance Committee for the period beginning November 1, 2018 through and including October 31, 2019. Any additional audit period may be determined at the discretion of the Statewide Grievance Committee.

THE COURT

11/5/2018
DATE

BY 
Sheridan, J.