

Hearings due on ethical complaint

By JUNE PETERSON

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WINSTED — A hearing is expected sometime in March for an ethical complaint lodged by a former mayor against community lawyer Charlene LaVoie.

Daniel Horwitch, counsel for the statewide grievance committee, said yesterday no date has been set for the hearing, but he expects it will be sometime in March. Hearings are generally held at sites in Bridgeport, Hartford, New Haven or Waterbury, Horwitch said.

The finding of probable cause was filed with the state office Dec. 13, and a reviewing panel has 90 days to render a decision. Their decision is then recorded with the statewide grievance panel, which must render a decision 30 days later, Horwitch said. Former mayor William H. McCabe, who decided not to seek reelection in November, has accused LaVoie of violating the lawyers' Rules of Professional Conduct. Next, a reviewing committee will conduct an open hearing,

Daniel Horwitch, counsel for the statewide grievance committee, said yesterday no date has been set for the hearing, but he expects it will be sometime in March. Hearings are generally held at sites in Bridgeport, Hartford, New Haven or Waterbury.

Horwitch said. Both sides of the dispute may offer evidence and witnesses may be called. The committee then deliberates, and a written proposal is offered. Both sides then have an opportunity to submit statements about the proposal, Horwitch said.

From there, the proposal is brought before the 15-member statewide grievance committee which then takes action, either to dismiss, reprimand or in extreme cases disbar or suspend a lawyer, Horwitch said. An attorney may appeal the reprimand through Superior Court, Horwitch said. The statewide grievance com-

mittee is comprised of 10 lawyers and five lay members.

In his complaint, McCabe claimed LaVoie acted unethically when she solicited an affidavit from Selectman John F. Gauger Jr. for her lawsuit against the town over the \$10,000 supplementary retirement benefit selectmen granted Francis J. O'Neill in 1991.

As a selectman, Gauger was a named defendant in the case. According to the rules of conduct, an attorney cannot communicate with a defendant unless permission is granted by the de-

fendant's attorney.

LaVoie's case against the town was dismissed by the court in October because of a technicality.

Earlier this month a grievance panel comprised of three lawyers from outside the judicial district and one lay person found that LaVoie had violated the code, and stated there is probable cause to proceed to the statewide grievance panel.

"All (the local grievance panel) is doing is making a preliminary finding of probable cause, not determining that misconduct exists," Horwitch said.

Horwitch said LaVoie has not had any previous action taken against her by the statewide panel.

About 22,000 lawyers are licensed to practice in Connecticut, and of those about 14,000 have state addresses, Horwitch said. About 1,200 complaints were made against lawyers last year. Of those, there were 198 findings of probable cause, he said.