

DOCKET NO. NNH-CV-19-6093890-S	SUPERIOR COURT
OFFICE OF CHIEF DISCIPLINARY COUNSEL	J.D. OF NEW HAVEN AT NEW HAVEN
V.	
LOUIS RUBANO	DECEMBER 12, 2019

AMENDED MEMORANDUM IN AID OF FINAL DISCIPLINE

The issue to be decided in this case is what discipline should be imposed upon Louis M. Rubano: a highly regarded, 48-year-old attorney, who erred by disbursing settlement money to his clients that was subject to statutory lien claims running in favor of the State of Connecticut Department of Administrative Services (“DAS”). Although the Office of Chief Disciplinary Counsel has requested a suspension of two years for this misconduct, there are numerous factors suggesting that this requested discipline is too harsh, and that less severe discipline is warranted. Among the factors that point towards less severe discipline are the fact that Attorney Rubano has no prior history of discipline; he was motivated by a desire to help his clients; he self-reported his conduct; he cooperated in the disciplinary process; his good character and reputation suggest that this was a lapse in judgment; he has demonstrated genuine remorse and rectified his approach to his handling of DAS liens; full restitution has been made to DAS; and there is little risk to the court and the public in allowing him to continuing practicing

because he has been practicing continuously throughout the pendency of these grievance proceedings—a period of almost 22 months—without any new DAS lien issues.

After considering the agreement of the parties, and the various aggravating and mitigating factors discussed below, Attorney Rubano respectfully requests that the Court refrain from imposing an order of discipline that would create maximum disruption for his clients, financial hardship for his family, and potentially end his legal career. Instead, Attorney Rubano respectfully submits that the Court should balance the competing interests at stake and impose an order:

- (1) Suspending Mr. Rubano's license to practice law for a period of time not to exceed five months, effective February 1, 2020,¹ with the period of suspension stayed after 60 days;
- (2) During the initial 60-day suspension, Mr. Rubano will be a "deactivated attorney" and he must submit an application to this Court pursuant to Practice Book §2-47B(d)(3) if he intends to performing preparatory or clerical legal work under the supervision of a supervising attorney;

¹ Disciplinary Counsel and Attorney Rubano agree that this start date for the suspension can be adopted by the Court and incorporated into the final order of discipline.

- (3) After the initial period of 60 days, the suspension will be stayed and Mr. Rubano will remain on probation for three months;
- (4) During the period of his probation, Mr. Rubano will be permitted to resume the active practice of law, including representing clients;
- (5) During the period of probation, Mr. Rubano shall complete a Continuing Legal Education (CLE) course addressing the handling of third party liens in personal injury cases under Connecticut law and provide proof of same to Disciplinary Counsel;
- (6) The Court may impose additional reasonable conditions, such as pro bono or community service hours, to be fulfilled during the probation period; and
- (7) The Court shall retain jurisdiction in this matter so that, if Mr. Rubano is in compliance with the conditions imposed herein at the end of the probationary period, he can be automatically reinstated without conditions. If, however, this Court finds that Mr. Rubano has engaged in professional misconduct during the period of his suspension or probation, then the Court retains the discretion to lift the stay and suspend Mr. Rubano's license to practice and, in its discretion, the Court may also require that Mr. Rubano apply for re-admission pursuant to Practice Book §2-53.

Background

A. Attorney Louis Rubano

Attorney Louis Rubano is 48 years old and a practicing attorney of over 22 years. He lives in North Haven with his significant other of eleven years, Heather Shanahan, and her three teenage children from her first marriage, ages 13, 14, and 17 years old. Mr. Rubano also has joint custody of his two children from his first marriage. His children, ages 11 and 13, reside with him in North Haven 50% of the time each week.

Mr. Rubano grew up in a family that always placed an emphasis on being honorable and serving others. He was born on the USS John F. Kennedy aircraft carrier at the U.S. Naval Air Station in Pensacola, Florida. His father was a commander in the U.S. Navy with a distinguished past record of flying planes in Vietnam. Attorney Rubano's family eventually settled in North Haven, Connecticut, where Attorney Rubano went to high school, graduating with honors in 1988. He attended Boston College, graduating cum laude in 1992. He received his law degree from Suffolk Law School in 1998, graduating with honors.

During college and law school, Attorney Rubano was active in organizations focused on helping the poor. For two years after college, he lived in Costa Rica working with a non-profit organization building homes for the poor, and, while attending law

school in Boston, he was a member of the Student Urban Reform Foundation, doing volunteer work: working in soup kitchens, organizing clothing and food drives, and participating in other efforts to raise money for worthwhile endeavors in the Greater Boston area.

Upon graduating from law school, Attorney Rubano returned to the New Haven area, commencing employment in 1998 at the highly-respected law firm of Lynch, Traub, Keefe & Errante, P.C. in New Haven. He began his practice handling civil litigation and soon focused his practice on personal injury litigation. He became a non-equity partner at the firm in 2003 and worked there until February 5, 2018, when he resigned to join another highly regarded area lawyer, Attorney R.J. Weber III, in a new practice that is now known as Weber & Rubano, with a main office in Wallingford, Connecticut.

Attorney Rubano has never been disciplined by the Statewide Grievance Committee. He has been a loyal member of the Connecticut Bar Association, and he has been recognized by his peers as a Connecticut Super Lawyer for the years 2013 – 2015 and again from 2017-2019. There is nothing in Attorney Rubano’s character, his personal background, or his professional history to suggest that he would intentionally and deliberately mislead anyone in representing his clients. Attached to this

memorandum as **Exhibit A** are copies of letters from practicing attorneys and retired judges who know Attorney Rubano well. These letters were submitted as an exhibit before the reviewing committee in this matter. They all speak to Attorney Rubano's good character, the zealous manner in which he represents his clients, his work ethic, and his dedication to his chosen profession.

Attorney Rubano currently represents hundreds of personal injury clients in the greater New Haven area. Many of these clients are high-need clients facing financial difficulty, and they depend on Attorney Rubano to help them navigate the court system and resolve their claims. While we recognize that the Court must impose discipline in this case, it should weigh the need to suspend Attorney Rubano against the needs of these clients, mindful of the disruption that will follow from any extended period of suspension imposed.

B. Statutory Liens for Public Assistance Benefits

The instant proceedings arise from Mr. Rubano's failure to comply fully with Connecticut's statutory scheme for repayment of state benefits where a beneficiary recovers money in a personal injury action. Pursuant to Conn. Gen. Stat. §§ 17b-93²

² Conn. Gen. Stat. §17b-93(a) provides:

Sec. 17b-93. (Formerly Sec. 17-83e). Claim of state for repayment of aid. Exceptions. Regulations. (a) If a beneficiary of aid under the state supplement program, medical assistance

and 17b-94,³ the State of Connecticut has a statutory lien against the proceeds of any cause of action brought by or on behalf of a beneficiary of certain state assistance

program, aid to families with dependent children program, temporary family assistance program or state-administered general assistance program has or acquires property of any kind or interest in any property, estate or claim of any kind, except moneys received for the replacement of real or personal property, the state of Connecticut shall have a claim subject to subsections (b) and (c) of this section, which shall have priority over all other unsecured claims and unrecorded encumbrances, against such beneficiary for the full amount paid, subject to the provisions of section 17b-94, to the beneficiary or on the beneficiary's behalf under said programs; and, in addition thereto, the parents of an aid to dependent children beneficiary, a state-administered general assistance beneficiary or a temporary family assistance beneficiary shall be liable to repay, subject to the provisions of section 17b-94, to the state the full amount of any such aid paid to or on behalf of either parent, his or her spouse, and his or her dependent child or children, as defined in section 17b-75. The state of Connecticut shall have a lien against property of any kind or interest in any property, estate or claim of any kind of the parents of an aid to dependent children, temporary family assistance or state administered general assistance beneficiary, in addition and not in substitution of its claim, for amounts owing under any order for support of any court or any family support magistrate, including any arrearage under such order, provided household goods and other personal property identified in section 52-352b, real property pursuant to section 17b-79, as long as such property is used as a home for the beneficiary and money received for the replacement of real or personal property, shall be exempt from such lien.

(Emphasis added).

³ Conn. Gen. Stat. §17b-94(a) provides:

Sec. 17b-94. (Formerly Sec. 17-83f). State's claim against proceeds of cause of action.
Assignment of interest in estate to the state. (a) In the case of causes of action of beneficiaries of aid under the state supplement program, medical assistance program, aid to families with dependent children program, temporary family assistance program or state-administered general assistance program, subject to subsections (b) and (c) of section 17b-93, or of a parent liable to repay the state under the provisions of section 17b-93, the claim of the state shall be a lien against the proceeds therefrom in the amount of the assistance paid or fifty per cent of the proceeds received by such beneficiary or such parent after payment of all expenses connected with the cause of action, whichever is less, for repayment under section 17b-93, and shall have priority over all other claims except attorney's fees for said causes, expenses of suit, costs of hospitalization connected with the cause of action by whomever paid over and above hospital insurance or other such benefits, and, for such period of hospitalization as was not paid for by the state, physicians' fees for services during any such period as are connected with the

programs. The lien is equal to “the amount of the assistance paid or fifty per cent of the proceeds received by such beneficiary … after payment of all expenses connected with the cause of action, whichever is less....” The lien has “priority over all other claims,” with exception of attorney's fees, expenses of suit, and costs of hospitalization connected with the cause of action. See Conn. Gen. Stat. §17b-94(a).

Case law has provided some guidance as to the meaning of these lien statutes, which the courts have noted “are intended to secure efficient avenues to state governments for reimbursement from welfare beneficiaries for public assistance granted to them, when such reimbursement arises out of personal injury causes of action belonging to the welfare beneficiaries....” State v. Blawie, 31 Conn. Supp. 552, 555 (App. Div. 1974), cert. denied, 167 Conn. 693 (1975) (same) (discussing Conn. Gen. Stat. §17-83f, the precursor to the current version of Conn. Gen. State §17b-94)).

cause of action over and above medical insurance or other such benefits; and such claim shall consist of the total assistance repayment for which claim may be made under said programs. The proceeds of such causes of action shall be assignable to the state for payment of the amount due under section 17b-93, irrespective of any other provision of law. Upon presentation to the attorney for the beneficiary of an assignment of such proceeds executed by the beneficiary or his conservator or guardian, such assignment shall constitute an irrevocable direction to the attorney to pay the Commissioner of Administrative Services in accordance with its terms, except if, after settlement of the cause of action or judgment thereon, the Commissioner of Administrative Services does not inform the attorney for the beneficiary of the amount of lien which is to be paid to the Commissioner of Administrative Services within forty-five days of receipt of the written request of such attorney for such information, such attorney may distribute such proceeds to such beneficiary and shall not be liable for any loss the state may sustain thereby. (Emphasis added).

These cases have shown, however, that the statutory language can lead to confusion among members of the bar, and applying the statutes is not always a straightforward exercise. For example, even though the statutory language suggests that there must be a formal “assignment” signed by the beneficiary presented to the attorney before the lien attaches, the courts have rejected this literal reading of the statute. “[E]ven in the absence of an assignment as provided for in §17–83f [now §17b-94(a)], this section gives the state a lien against all causes of action belonging to a public assistance beneficiary....” Blawie, 31 Conn. Supp. at 557; accord State v. Angelo, 39 Conn. App. 709, 713 (1995). Thus, “[w]ith or without the assignment provision of the statute, the attorney becomes, not a collection agency for the state, but a stakeholder of funds against which conflicting claims are outstanding.” Blawie, 31 Conn. Supp. at 558; Angelo, 39 Conn. App. 713.⁴

In cases where the attorney has distributed money in error to the client in violation of Conn. Gen. Stat. §§ 17b-93 and 17b-94, courts have held that the State of Connecticut has a civil cause of action for conversion against the attorney for the

⁴ Payment of the lien is not automatic. An attorney is not obligated to disburse payment to DAS after a case settles if the DAS, once notified of the settlement, fails to provide the attorney of the specific amount of the lien. See Conn. Gen., Stat. §17b-94(a) (“...if, after settlement of the cause of action or judgment thereon, the Commissioner of Administrative Services does not inform the attorney for the beneficiary of the amount of lien which is to be paid to the Commissioner of Administrative Services within forty-five days of receipt of the written request of such attorney for such information, such attorney may distribute such proceeds to such beneficiary and shall not be liable for any loss the state may sustain thereby.”).

amount that was not properly paid over to the State. See State v. Angelo, 39 Conn. App. at 713; Blawie, 31 Conn. Supp. at 558. “A conversion is an unauthorized assumption and exercise of a right of ownership over property belonging to another, to the exclusion of the owner's right. The essence of the wrong here is that property rights of the plaintiff have been dealt with in a manner which is adverse to it, is inconsistent with its right of dominion, and is to its harm.” Blawie, 31 Conn. Supp. at 558. Unlike statutory theft or fraud, however, conversion does not require proof that a party actually intended to deprive another of the property. See Deming v. Nationwide Mut. Ins. Co., 279 Conn. 745, 771 (2006).⁵ Thus, in the statutory lien context, payment of settlement proceeds by an attorney to a client that should be paid to the State of Connecticut – even if done innocently or negligently – results in a conversion of the amount owed to the State.

⁵ “Statutory theft under § 52–564 is synonymous with larceny under General Statutes § 53a–119.... Pursuant to § 53a–119, [a] person commits larceny when, with intent to deprive another of property or to appropriate the same to himself or a third person, he wrongfully takes, obtains or [withholds] such property from an owner.... Conversion can be distinguished from statutory theft as established by § 53a–119 in two ways. First, statutory theft requires an intent to deprive another of his property; second, conversion requires the owner to be harmed by a defendant's conduct. Therefore, statutory theft requires a plaintiff to prove the additional element of intent over and above what he or she must demonstrate to prove conversion.” Deming, 279 Conn. at 771 (citations and internal quotations omitted; emphasis added).

C. The Reviewing Committee's Decision

In its May 17, 2019 decision, the reviewing committee summarized Attorney Rubano's professional misconduct as follows:

Over a period of approximately seven years, the Respondent prepared two settlement statements on behalf of clients in cases where DAS had a statutory lien. The settlement statement provided to DAS reflected greater fees, costs and expenses and indicated a lesser amount to the client. The other settlement statement reflected the correct fees, costs and expenses and the actual amount distributed to the client. The Respondent did not disclose this procedure to DAS or provide DAS with a copy of both settlement statements. The Respondent negotiated down medical expenses and sometimes reduced his attorney's fee in connection with the settlements. The Respondent did not notify DAS of any reduction of expenses and fees deducted from the settlement, after DAS was notified of the settlement.

SGC Reviewing Committee Decision ("SGC Decision") at 1-2.⁶

When the matter was brought to Attorney Rubano's attention in the course of a random IOLTA audit at LTKE, he cooperated with LTKE's internal review and self-reported his misconduct to the Statewide Grievance Committee. Thereafter, LTKE engaged in discussions with the State of Connecticut to successfully resolve the underpayment claim. On or about August 23, 2018, DAS was paid \$263,122.55 in full satisfaction of the lien underpayment claim.

⁶ A copy of the reviewing committee's decision is attached to the parties' Practice Book §2-82(c) agreement. See Dkt # 102.00

After hearing from the parties, including from Attorney Rubano himself, the reviewing committee found that Attorney Rubano violated Rules 4.1(1), 8.4(3) and 8.4(3) of the Rules of Professional Conduct “by preparing two settlement statements reflecting different amounts distributed to the client and by failing to disclose to DAS the actual amount disbursed to the client and/or failing to provide DAS with both statements.” See SGC Decision at 2. Additionally, the committee found that Attorney Rubano violated Rules 1.15(e) and 8.4(4) by failing to safeguard the funds and pay the proper amounts due to DAS. See id.

The committee did not find, however, that Attorney Rubano was untruthful or deceptive in his testimony and responses to the committee. On the contrary, the committee noted that he testified that he was “motivated to help his clients,” that “he did not gain anything financially from his conduct,” that “the additional funds were paid directly to his clients,” and that he showed remorse by “testify[ing] that he learned that he made a mistake in the way he handled DAS lien” and “no longer prepares two settlement statements” in his current practice. See id.

Even though Disciplinary Counsel argued to the committee that Attorney Rubano should be presented, he agreed that Attorney Rubano was “cooperative” throughout the disciplinary process, he was “sincere” in his remorse, and that he had “corrected th[e]

situation.” 12/6/19 Tr. at 85.⁷ Importantly, Disciplinary Counsel did not argue that Attorney Rubano “was trying to steal money from the client … or DAS personally,” but he pointed out that Attorney Rubano’s desire to help his clients “should not exonerate him either.” 12/6/19 Tr. at 85.

The parties have now agreed in a Practice Book disposition agreement that some period of suspension is appropriate in this case, but they disagree as to the length of the suspension and what conditions should be imposed.

Argument

I. THE FACTORS TO BE CONSIDERED IN IMPOSING DISCIPLINE

“Disciplinary proceedings are for the purpose of preserving the courts from the official ministration of persons unfit to practice in them.... Therefore, [i]f a court disciplines an attorney, it does so not to mete out punishment to an offender, but [so] that the administration of justice may be safeguarded and the courts and the public protected from the misconduct or unfitness of those who are licensed to perform the important functions of the legal profession.” Disciplinary Counsel v. Serafinowicz, 160 Conn. App. 92, 98 (2015) (Citations and internal quotation marks omitted). “[O]f paramount importance in attorney disciplinary matters is the protection of the court, the

⁷ Excerpts from the transcript of the hearing are attached as Exhibit B.

profession of the law and of the public against offenses of attorneys which involve their character, integrity and professional standing.” Statewide Grievance Comm. v. Shluger, 230 Conn. 668, 681 (1994) (citations and internal quotation marks omitted).

“[A]fter a finding of misconduct, a court should consider: (1) the nature of the duty violated; (2) the attorney's mental state; (3) the potential or actual injury stemming from the attorney's misconduct; and (4) the existence of aggravating or mitigation factors.” Burton v. Mottolese, 267 Conn. 1, 55, (2003), cert. denied, 541 U.S. 1073 (2004). In conducting this analysis, Connecticut courts have consulted the American Bar Association's Standards for Imposing Lawyer Sanctions. “Although the [ABA] standards have not been officially adopted in Connecticut, they are used frequently by the Superior Court in evaluating attorney misconduct and in determining discipline” Serafinowicz, 160 Conn. App. at 99.

The ABA standards list the following aggravating factors: “(a) prior disciplinary offenses; (b) dishonest or selfish motive; (c) a pattern of misconduct; (d) multiple offenses; (e) bad faith obstruction of the disciplinary proceeding by intentionally failing to comply with rules or orders of the disciplinary agency; (f) submission of false evidence, false statements, or other deceptive practices during the disciplinary process; (g) refusal to acknowledge wrongful nature of conduct; (h) vulnerability of victim; (i) substantial

experience in the practice of law; [and] (j) indifference to making restitution.” Burton v. Mottolese, 267 Conn. at 55.

The mitigation factors include: “(a) absence of a prior disciplinary record; (b) absence of a dishonest or selfish motive; (c) personal or emotional problems; (d) timely good faith effort to make restitution or to rectify consequences of misconduct; (e) full and free disclosure to disciplinary board or cooperative attitude toward proceedings; (f) inexperience in the practice of law; (g) character or reputation; (h) physical or mental disability or impairment; (i) delay in disciplinary proceedings; (j) interim rehabilitation; (k) imposition of other penalties or sanctions; (l) remorse; [and] (m) remoteness of prior offenses.” Id., at 55–56.

II. THE APPROPRIATE DISCIPLINE TO BE IMPOSED

Here, while Attorney Rubano’s case calls for a period of suspension—indeed, the parties have already agreed that a period of suspension is appropriate—the mitigating factors and unique facts of this case call for the imposition of discipline well below the State’s unduly punitive two-year suspension request. The Court also has the ability, pursuant to Practice Book §2-47, to impose conditions and fashion an order of discipline that is sufficient, but not greater than necessary, to accomplish the goals of the disciplinary process, which are primarily directed at safeguarding the courts and

protecting the public from the misconduct or unfitness of certain lawyers. In this case, Attorney Rubano is not a danger to the courts or the public.

In terms of deterrence, it is clear that any period of suspension will be regarded by Attorney Rubano as a severe penalty. He has no prior disciplinary history, so the deterrent impact of any suspension will be felt more acutely. Indeed, he already has experienced the negative effects of this grievance. The public presentment, the publication of the reviewing committee's decision, and the docketing of the Practice Book disposition agreement requiring suspension have hurt his reputation, caused anxiety among his clients, and generated requests from desperate and confused clients to transfer files at the suggestion of others.

In addition to the effects of the process to date, the ultimate suspension imposed in this case—whatever its length—will have a severe impact on Mr. Rubano financially. During the period of his suspension, he will not be able to continue working at Weber & Rubano, the firm he co-founded with his partner, RJ Weber. While it is true that he can perform preparatory and clerical work under the direction of a “supervising attorney,” the so-called “paralegal rule” prohibits Attorney Rubano from doing anything Weber & Rubano for clients at that he previously represented in the last 10 years, and no one at Weber & Rubano can serve as a “supervising attorney” because neither “the

supervising attorney" nor his or her firm can assume representation of any client previously represented by Attorney Rubano in the last 10 years. See Practice Book §2-47B(d). The practical effect of the rule is that Attorney Rubano will be unable to work at his current firm in **any** capacity, and he cannot do anything for his current clients even if he is hired at another law firm as a paralegal (because, as noted above, the supervising attorney cannot assume representation for any of Attorney Rubano's clients represented within the past 10 years). While that may be the intent behind the rule, it is clear that the harshness of the rule will make it very difficult for Attorney Rubano to financially support his family while under suspension, especially if it is a lengthy suspension.

The foregoing considerations, in addition to the aggravating and mitigating factors discussed below, point in the direction of an order of suspension of no more than five months, with a stay after 60 days, with a probationary period and conditions.

A. Aggravating Factors

Disciplinary Counsel will emphasize that this case involves misrepresentations by an attorney that led to a \$263,122.55 underpayment to DAS over a seven-year period. With a few exceptions, the underpayment amounts, on a per file basis, were generally in

the range of \$1,000-\$3,000 per file. Over time, and given the number of files, this produced the large underpayment number.

These facts notwithstanding, Disciplinary Counsel's request for a suspension of two years is not the result of some empirical analysis, or a comprehensive review of numerous disciplinary cases in this state. On the contrary, there is an underlying arbitrariness to the two-year request, because even Disciplinary Counsel cannot cite to an analogous case where a suspension of two years was imposed for this specific type of misconduct. Nearly all of the recent cases where significant suspensions have been imposed involved cases where the attorney harmed the clients through theft of client funds, the attorney derived substantial personal financial benefit from the misconduct, or the attorney had a substantial disciplinary history and the suspension related to multiple grievances where client matters were dismissed and/or clients were seriously harmed. None of those situations are analogous to Attorney Rubano's case.

For this reason, we respectfully submit that Disciplinary Counsel's request of two years is too arbitrary for it to be a useful guide in determining an appropriate length of suspension, and the Court should avoid using Disciplinary Counsel's request as the beginning benchmark. Instead, the Court should start from the parties' baseline agreement that **some** suspension is appropriate, and then work from that general

premise to determine how much actual suspension is needed to achieve the goals of discipline in this case.

B. Mitigating Factors

Here, there are numerous factors suggesting that a lesser period of suspension would serve the purposes of attorney discipline in this case. They include:

1. Absence of disciplinary history. Attorney Rubano has been practicing 22 years and has no prior record of discipline.
2. Self-reported conduct. Attorney Rubano cooperated with his former firm when the issue was first brought to his attention and he self-reported his conduct in a letter to the Statewide Grievance Committee.
3. No selfish motive. Attorney Rubano was motivated to help his clients, many of whom come from very difficult life situations. His goal was always to get the best possible outcome for his clients, especially in cases where the clients might not receive a substantial recovery due to the statutory liens and other medical expenses. If anything, he identified too closely with the plight of his clients and he acted overzealously in the interest of maximizing their recoveries, committing errors in judgment in how he approached his own obligations under the lien statutes.
4. Cooperative attitude during disciplinary proceedings. Attorney Rubano has always had an open and transparent approach to the disciplinary process. He and his counsel worked cooperatively with Disciplinary Counsel in presenting this matter to the reviewing committee, stipulating to exhibits and documents and narrowing the issues. Even Disciplinary Counsel remarked during the hearing that he believed that Attorney Rubano was "cooperative" throughout the process. See 12/6/18 Tr. at 85.
5. Remorse. Attorney Rubano will address the Court directly at the hearing, but the reviewing committee and Disciplinary Counsel noted that he

appeared genuinely remorseful. After hearing him testify, Disciplinary Counsel observed that he was “sincere” in his remorse and that he had “corrected th[e] situation.” 12/6/18 Tr. at 85. This matter has weighed heavily on Attorney Rubano and he has approached it all times as a serious matter that deserves his attention and focus.

6. Character and reputation. The letters attached to this memorandum (**Exhibit A**) and the speakers who are prepared to address the Court at the December 16 hearing all reinforce a common theme: Attorney Rubano is a respected, dedicated, passionate advocate for his clients. He is accessible to his clients day and night, and he ensures that they get a fair and just outcome for their cases. While he has a large number of clients, they all receive personalized attention and commitment from him. In other words, Attorney Rubano’s reputation suggests that what occurred here was unfortunate, but not something that epitomizes Attorney Rubano’s approach to practicing law.
7. Clients will be harmed by a lengthy suspension. While there may be other, capable lawyers who can succeed Attorney Rubano as counsel for his hundreds of clients, it is also true that his clients will be impacted by a suspension. They have come to rely on Attorney Rubano’s constant accessibility, his manner of communicating with them, his expertise in managing their cases, and his willingness to counsel them through their other life struggles. Because of his strong connection to his clients, any period of suspension will have an immediate and disruptive impact. Unlike other situations, where the clients have complained, or they have been harmed, this is a case where the clients are blameless and they **want** him to continue representing them. This reality points in favor of staying the suspension and leaving Attorney Rubano on probation, where he can continue to assist the clients and the clients’ cases will not be adversely affected.
8. Interim rehabilitation and conduct during pendency of proceedings. Attorney Rubano has been actively practicing at Weber & Rubano for almost 22 months while this matter has worked its way through the grievance process. During this time, he has complied fully with the DAS

lien statutes and his firm follows procedures that ensure that the liens are properly paid. Attorney RJ Weber reviews all of the settlement statements that are provided to DAS and obtains written authorization from DAS before disbursements are made. Attorney Rubano has not changed his desire to help his clients by reducing his fee or negotiating other expenses for the clients' benefit, including medical bills, but he receives approval from the DAS prior to paying the money to the client.

9. Restitution. DAS's underpayment claim has been settled and restitution in the amount of \$263,122.55 has been paid in full satisfaction of the claim.

III. THE COURT SHOULD RETAIN JURIDICTION AND NOT REQUIRE RE-ADMISSION PURSUANT TO PRACTICE BOOK §2-53.

If the Court decides not to permit automatic readmission, Mr. Rubano requests that this Court retain jurisdiction and that he be allowed to apply to this Court for readmission. See Practice Book § 2-53(a). This is explicitly permitted by Practice Book §2-53(a), which leaves it to the discretion of the Court. Where the suspension is "one year or more" reapplication under Practice Book §2-53 is required, "unless the court that imposed the discipline expressly provided in its order that such application is not required." See id. Similarly, readmission under the rule is not required where the suspension is less than one year, but the Court retains discretion to require it in an appropriate case. See id.

Here, application for readmission pursuant to Practice Book §2-53 would add an ***additional six months to one year*** to the Court's intended suspension period when

there is no compelling reason to require it.⁸ Attorney Rubano has been practicing continuously throughout the grievance proceedings and he does not present a substantial risk to the bar or the public. This is to be contrasted with situations where there was an interim suspension prior to the final suspension, the lawyers have a lengthy history of discipline, they are guilty of stealing money from clients, they have been found guilty of professional misconduct in multiple grievances at once, or there is a sense that the lawyer was in personal or financial crisis at the time of his or her original suspension. In those cases, the investigation process that accompanies the reapplication process makes sense. It is not needed here.

Conclusion

Attorney Rubano is deserving a discipline, but not the arbitrary and unduly harsh two-year suspension requested by Disciplinary Counsel. Moreover, there is no compelling reason to require him to reapply pursuant to Practice Book §2-53 when his suspension ends. He has no prior history of discipline, no substance abuse issues, no criminal conviction or sentence to complete, and he has been practicing continuously for

⁸ Subsection (h) of Practice Book §2-53 provides that any application for readmission will be referred to the standing committee within “60 days,” and, pursuant to subsection (j), the standing committee must complete its work within “180 days of referral.” Upon completion of its investigation, the standing committee must file its recommendation in writing together with a copy of the record with the clerk of the superior court, after which the matter is scheduled for a hearing before a three-judge panel. See Practice Book §2-53(k), (i). If the application is denied, the attorney may not reapply until at least one year has passed since the denial.

22 months while this matter has been pending without any new DAS lien issues. Either automatic reinstatement, or application to this Court for readmission, is all that is necessary.

Therefore, for all of the foregoing reasons, Attorney Rubano requests that the Court impose the following discipline:

- (1) Suspension of Mr. Rubano's license for a period of time not to exceed five months, effective February 1, 2020, with the suspension stayed after 60 days;
- (2) During the 60-day suspension, Mr. Rubano will be a "deactivated attorney" and he must submit an application to this Court pursuant to Practice Book §2-47B(d)(3) if he intends to performing preparatory or clerical legal work under the supervision of a supervising attorney;
- (3) After the initial period of 60 days, the suspension will be stayed and Mr. Rubano will remain on probation for three months;
- (4) During the period of his probation, Mr. Rubano will be permitted to resume the active practice of law, including representing clients;
- (5) During the period of probation, Mr. Rubano shall complete a Continuing Legal Education (CLE) course addressing the handling of third party liens in personal injury cases under Connecticut law and provide proof of same to Disciplinary Counsel;

(6) Additional reasonable conditions, such as a pro bono or community service hours to be fulfilled during the probation period; and

(7) The Court shall retain jurisdiction in this matter so that, if Mr. Rubano is in compliance with the conditions imposed herein at the end of the probationary period, he can be automatically reinstated without conditions. If, however, this Court finds that Mr. Rubano has engaged in professional misconduct during the period of his suspension or probation, then the Court retains the discretion to lift the stay and suspend Mr. Rubano's license to practice for any unexecuted portion of the suspension and, in its discretion, the Court may also require that Mr. Rubano apply for re-admission pursuant to Practice Book §2-53.

/s/ Robert M. Frost, Jr.

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Email: rmf@frostbussert.com

Attorney for Louis M. Rubano

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing pleading was or will immediately be mailed or delivered electronically or non-electronically on December 12, 2019 to the following counsel and *pro se* parties of record:

Brian Staines, Esq.
Chief Disciplinary Counsel
Office of Chief Disciplinary Counsel
100 Washington Street
Hartford, CT 06106
Brian.Staines@jud.ct.gov

/s/ Robert M. Frost, Jr.

Robert M. Frost, Jr. – JN 415741

Exhibit A



The Law Offices of
Balzano & Tropiano, PC

ALPHONSE J. BALZANO, JR. †
RICHARD TROPIANO, JR.

BRIAN V. ALTIERI
JOHN F. RILEY, JR.
TREVOR DOYON
† ALSO ADMITTED IN PA

November 19, 2018

Statewide Grievance Committee
287 Main Street
East Hartford, Connecticut 06118

*Re: **STATEWIDE GRIEVANCE COMMITTEE V. LOUIS M. RUBANO***

Dear Sir or Madam:

I am writing you to offer you a personal perspective on the upstanding character and moral standards of Louis M. Rubano.

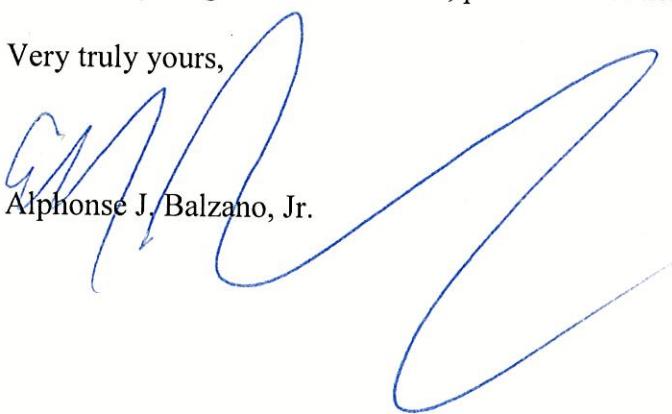
I have known Lou for over 20 years as a fellow member of the Bar. In the time that Lou and I have known each other, I have always known Lou as a caring, loyal person who comes from an outstanding family.

Over the years, I have watched Lou develop into one of the most moral and trustworthy attorneys that I know and he has always been the first person to offer assistance to anyone who needs it. Lou is a pleasure to be around and he is someone that I trust implicitly. For all that know Lou, you will find unanimity in the opinion that Lou is a good man, son, and great father.

Upon the birth of his children, Lou has exceeded the challenges of his responsibilities and he has provided a safe, loving, and nurturing environment for his young family that can only be described as commendable and admirable.

Lou is a person that anyone can trust and his sense of morals and responsibility to his family, career, and community deserve merit as he overcomes this obstacle. Lou comes with my highest reference though if there is anything further to discuss, please do not hesitate to contact me.

Very truly yours,



Alphonse J. Balzano, Jr.

**COONEY, SCULLY AND DOWLING
ATTORNEYS AT LAW
HARTFORD SQUARE NORTH
TEN COLUMBUS BOULEVARD
HARTFORD, CONNECTICUT 06106-5109
(860) 527-1141**

FACSIMILE (860) 247-5215

ROBERT G. CLEMENTE
EXTENSION 228

E-MAIL ADDRESS:
RGC@CSD-LAW.COM

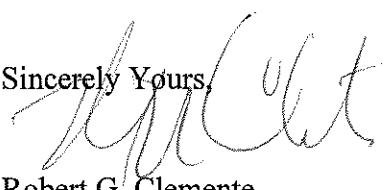
November 19, 2018

Statewide Grievance Committee
Second Floor, Suite 2
287 Main Street
East Hartford, CT 06118-1885

Re: Louis Rubano, Esq.

Dear Members of the Committee:

I write this letter to inform you of my knowledge of Attorney Rubano and his professional practice. I have known Attorney Rubano solely as opposing counsel on personal injury claims where he represented the claimant numerous times over probably the past ten years. He has always acted with professionalism and decorum, while also representing his clients competently and with appropriate advocacy. He has never exhibited any unethical, inappropriate or unreasonable behavior in any cases in which I have been involved, and he regularly extends professional courtesy to counsel and opposing parties when requested. I have only known Attorney Rubano to be honest, fair and of good moral character.

Sincerely Yours,

Robert G. Clemente

RGC/jmh

MOORE, O'BRIEN & FOTI
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891 STRAITS TURNPIKE
MIDDLEBURY, CONNECTICUT 06762

GARRETT M. MOORE, SR.*
GREGORY E. O'BRIEN*
JOSEPH D. FOTI, JR.*
PAMELA LEVIN CAMERON*
DONALD C. MCPARTLAND
JOSEPH R. ROSSETTI*
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• CERTIFIED CIVIL TRIAL ADVOCATE
NATIONAL BOARD OF TRIAL ADVOCACY

November 28, 2018

Re: Attorney Lou Rubano

To Whom it May Concern:

I have known Lou Rubano for approximately ten years. In that period of time, I have dealt with Lou Rubano on a professional level as I am a plaintiffs' personal injury attorney and Lou is also a plaintiffs' personal injury attorney. I have seen Lou in court and I have had the pleasure of dealing with Lou outside of court on a professional level. I have come to know Lou as a conscientious attorney who represents his clients fully.

In my personal opinion, Lou always appears to put his clients first and I believe that is a very important trait for a personal injury attorney or any type of an attorney for that matter. I have always known Lou to be forthright and a "straight shooter". I've never had any issues in working with Lou and I have always found him to be honest with me and always concerned about his clients' wellbeing. I've had many occasions to discuss cases with Lou, both cases where I am representing a client and talking to Lou about strategy or visa versa. I have never known Lou to stray from the straight line of practicing law and, in fact, Lou would be an attorney that I would consider going to if I needed legal help.

Lou is well respected in the legal community and is known for his trial abilities. It is without hesitation that I can say that I have never had reason to doubt Lou's abilities or his representation of his clients. The clients that I know Lou had represented have all felt that he had performed a great service for them and have been happy and satisfied with his representation. On any occasion where there has been any type of disagreement with regards to a file or client, Lou has always been up front in working matters out and has always been above board in his dealings with me.

Please feel free to contact me on my cell phone at 860-919-4580 anytime you need.

Sincerely,

Joseph D. Foti

JDF:cm



The Law Offices of
Balzano & Tropiano, PC

JOHN F. RILEY, JR.

Statewide Grievance Committee
Second Floor, Suite 2
287 Main Street
East Hartford, CT 06118-1885

RE: Attorney Louis Rubano

Dear Members of the Committee,

I have known Attorney Lou Rubano for approximately twenty years. In addition to seeing him often in court, I have served as an arbitrator for his cases, both on the court arbitration docket and in private arbitrations.

Attorney Rubano is a tireless advocate for his clients and consistently presents his cases in a professional, thorough, and ethical manner. I consider him one of the most proficient personal injury lawyers in the New Haven area and I believe he ranks among the best in the State of Connecticut.

I am aware of his current situation which brings him before this committee. I am not surprised that his actions were not for personal gain but rather to benefit his clients. I have always found Attorney Rubano to be honest and trustworthy.

Respectfully,

John F. Riley, Jr.



Michael E. Riley
90 State House Square
GPS Users: 9 Market Street
Hartford, CT 06103-3702
p 860 424 4333
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mriley@pullcom.com
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November 12, 2018

Statewide Grievance Committee
287 Main Street
Second Floor, Suite 2
East Hartford, CT 06118-1885

Re: Attorney Louis M. Rubano

Dear Members of the Committee:

I have been asked by Attorney Rubano to write a character letter to the Committee on his behalf. I am aware of the general allegations against him, violation of Rules of Professional Conduct §4.1, 8.4 and 1.15(e). I am not aware of any of the potential evidence which might support such allegations. My support on his behalf is based solely on my many professional interactions with him over the last approximately eight years.

I retired as a Superior Court Judge on May 5, 2017. Prior thereto I was assigned as presiding judge at the Judicial Mediation Center at 95 Washington Street, Hartford, for 2016 to 2017. Prior thereto I was administrative judge for the Windham Judicial District from 2010 to 2015. I was appointed to the bench in May, 2004. I am presently engaged in private mediation/arbitration here at Pullman & Comley.

My interaction with Attorney Rubano has taken place exclusively in the mediation setting both as a judge as well as in private practice. I believe that Attorney Rubano has appeared in front of me on approximately 12 to 15 mediations. He has always represented plaintiffs. As part of the mediation process he is required to prepare and file a fairly lengthy Mediation Position Statement supporting his position both factually and legally. The other side does the same. I review those statements as well as supporting document submission and the pleadings as filed in the case in Edison, the State's electronic civil filing system. Subsequent thereto a mediation session of a half or full day follows as well as follow up contact if the case does not resolve at the mediation session.

PULLMAN
&COMLEY
ATTORNEYS

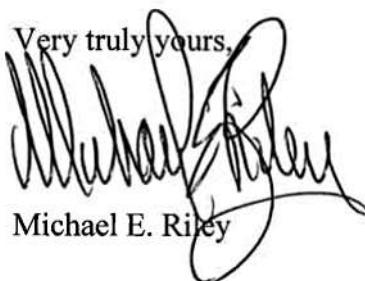
Statewide Grievance Committee

November 12, 2018

Page 2

As a result of these multiple and lengthy interactions, I feel qualified to provide an opinion regarding his character from what I have observed. I have always found him to be highly ethical, moral and trustworthy. His submissions could be relied upon and he had the trust and confidence of his opponents. I never found him to be untruthful or remiss in his claims of lien rights or subrogation rights in any of his cases. His diligence in his duties to his clients as well as to opposing counsel and the mediator were always of the highest quality. I never found his submission to be at variance with the facts or the law in any of his cases. I relied upon his demonstrated integrity both as a person and lawyer in resolving matters before me.

I am quite surprised by the current allegations. If you require any further input, please do not hesitate to contact me.

Very truly yours,

Michael E. Riley

MER/apk

KENNY, BRIMMER & MAHONEY, LLC
Attorneys at Law

Richard C. Mahoney
Shannon K. McCarthy *
Teresa Capalbo
Sean P. Clark
Joseph A. Hourihan
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(860) 527-4226
FAX (860) 436-5883

Joseph P. Kenny (1944-1993)
Leslie R. Brimmer (1958-2012)

* Also Admitted in New York

November 19, 2018

Statewide Grievance Committee
Second Floor, Suite 2
287 Main Street
East Hartford, CT 06118-1885

Dear Members of the Committee:

I first met Lou Rubano approximately eight years ago, and have seen him frequently since that time in my capacity as a mediator in civil personal injury cases. During that time, I have come to regard Lou as a zealous advocate for his clients who demonstrates great compassion and consideration for the individuals whom he represents.

I have always found Lou to be very knowledgeable regarding his client's background, situation and issues. He is candid and forthcoming in his presentation of legal/factual issues, and I have always found him to be an honest lawyer of good character, motivated by a sincere desire to be of assistance to his clients, who are often needy individuals with a variety of difficulties.

While I am aware of the allegations concerning Attorney Rubano, and do not feel it is appropriate for me to comment upon them, I remain of the opinion that Lou is primarily motivated by a great desire to be of assistance to his clients, many of whom are individuals with very difficult life circumstances. I have always found him to be an honest attorney who consistently has demonstrated good character and professionalism throughout my dealings with him. I am also aware that Lou is the father of two children, whom he absolutely idolizes. I know, from my many conversations with Lou, that he takes his personal, and professional, responsibilities very seriously.

Very truly yours,


Richard C. Mahoney

RCM/lbp

**Law Office of Joseph A. Mengacci
111 Dwyer Road, Middlebury, CT 06762
(203) 982-0320
Attyjoemen@gmail.com**

November 21, 2018

Statewide Grievance Committee
287 Main Street, 2nd Floor, Suite 2
East Hartford, CT 06118-1885

RE: Attorney Louis Rubano

Dear Members of the Committee,

I have known Attorney Louis Rubano for approximately ten (10) years during which time we have had numerous professional encounters. I have served as an arbitrator and mediator in matters involving Attorney Rubano's clients. Most recently, I have assumed a number of client files from him in which a conflict has arisen because of his current partnership.

Attorney Rubano has always conducted himself in a professional and ethical manner in all our dealings. If Attorney Rubano has a fault, it is that he can at times be overzealous in his representations of his clients because he works so very hard to give them the best representation possible. He loves what he does and always has the best interest of his clients as his foremost consideration.

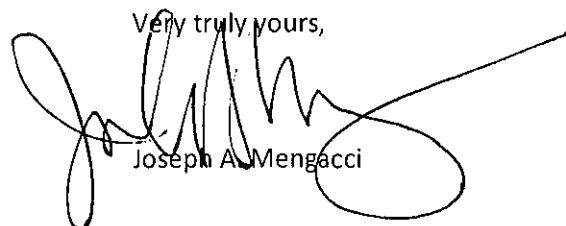
I have seen on a number of occasions Attorney Rubano's interactions with his clients. His clients have the utmost confidence in his legal abilities and counsel. In addition, his interpersonal skills, compassion and empathy for his injured clients are apparent.

My experiences with Attorney Rubano demonstrate to me an individual who works tirelessly for his clients, always having his clients' best interest at the forefront of his decision-making and is an individual of high moral character and professionalism. In addition, despite some difficult family and health issues, his dedication to his clients was unwavering.

Attorney Rubano is a high-energy individual who devotes himself to his family, clients, friends and the legal profession which he loves. He is a giving and compassionate person who puts the needs of others before his own.

Thank you for your consideration. If you are in need of any additional information please do not hesitate to contact me.

Very truly yours,
Joseph A. Mengacci



November 21, 2018

Statewide Grievance Committee
Second Floor, Suite 2
287 Main Street
East Hartford, Ct. 06818

Re: Louis M. Rubano, Esq.

Dear Members of the Committee:

Louis Rubano has informed me that he is a respondent in a matter now pending before you. The purpose of this letter is to express my support for Lou and to provide you with my insight based upon my interaction with him for over eighteen years.

I have been a member of the bar in good standing in Connecticut and in New York for approximately thirty-three consecutive years. I first met Lou when I began working at Lynch, Traub, Keefe, and Errante in January 2000. He was a young, inexperienced lawyer. Over the years I watched him evolve as a lawyer and man. I know his mother, his father, and his two children. I have not been in regular contact with Lou since I left his firm, but I consider him a colleague and a friend. I would describe Lou as personable, affable, extremely hard-working, honorable, and very effective.

As a young lawyer Lou was determined to be successful. He worked tirelessly for his clients. He took pride in his work and particularly in his ability to be an effective advocate. His work ethic was and is second to none. I have never seen Lou give less than 100% for a client even when handling cases that might seem insignificant. This is what being a lawyer is all about.

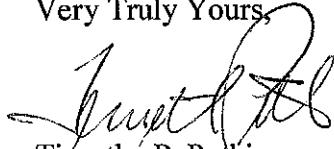
Lou was a loyal and extremely productive member of his firm. I have been informed about the nature of the allegations contained in the pending complaint. I consider them serious. At the same time this a lawyer who has given more of himself to his clients and cases than most. His personal sacrifices including countless hours working for his clients and his superiors eventually brought him much success. Lou built an enormous client base. I do not consider Lou to be a dishonest person. He comes from a good family. I also believe he understands how important it is for all of us to be vigilant concerning our professional responsibilities, to practice honorably at all times, and to remain above and beyond reproach.

FaxonLawGroup

TRIAL LAWYERS

I see Lou as person wears his heart on his sleeve. He truly enjoys working for and interacting with his clients. Opposing counsel, colleagues and superior court judges respect his tenacity and persistence on behalf of his clients and he is well-liked. He cares about how he is perceived by others in our legal community. I continue to support Lou because I believe he is an honorable and decent person and a credit to our chosen profession. Please do not hesitate to call on me if you should have any questions whatsoever.

Very Truly Yours,


Timothy P. Pothin

MCELROY, DEUTSCH, MULVANEY & CARPENTER, LLP

ATTORNEYS AT LAW

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ANTONIO C. ROBAINA
Direct: 860.241.2647
arobaina@mdmc-law.com

November 30, 2018

Statewide Grievance Committee
287 Main Street – Dash 111885
East Hartford, CT 06118

Re: Louis Rubano

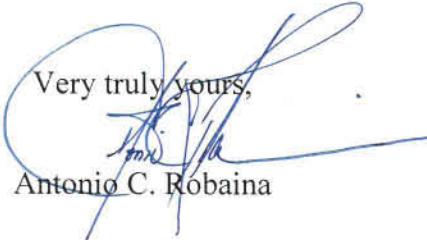
Dear Members of the Committee:

Please accept this letter as a reference in support of Louis Rubano, who has been charged with violations of the rules of professional conduct arising from an underpayment of a state lien. It is my understanding that the underpayment resulted from his reducing his attorney's fees and/or having medical providers reduce their medical charges in order to pass the reduction to his client, and in doing so, failed to give the state the benefit of that same reduction.

I do not minimize Mr. Rubano's conduct. However, I suggest to you that there is a general lack of knowledge with respect to this violation among the bar, as I recall having written a decision about it some years ago under a similar circumstance. I believe it is important to note that the inference from Mr. Rubano's behavior is that he was attempting to help his clients, even at his own expense. While I do not excuse or condone his actions, I believe it is important to note his motivation. I also think the fact that he self-reported is highly significant.

I have known Mr Rubano for many years and I find him to be a competent, professional attorney. To my knowledge, he does not have any prior disciplinary matters. Further, my dealings with him have always been professional. He always shows concern for his clients and values his standing in the community as an attorney. I would ask you to give Mr. Rubano your careful consideration.

I would be happy to answer any questions you have in this regard and I thank you for your service as committee members.

Very truly yours,

Antonio C. Robaina

ACR:pdw



November 29, 2018

Statewide Grievance Committee
Second Floor, Suite 2
287 Main Street
East Hartford, CT 06118-1885

Dear Members of the Committee:

I am writing this letter on behalf of Attorney Louis Rubano. I am aware that Attorney Rubano is charged with violating Rules of Professional Conduct.

I have known Attorney Rubano, professionally for at least ten years. I believe that I first met him when I was assigned to the New Haven Judicial District as a Civil Trial Judge. In my encounters with him, Attorney Rubano has always been a zealous advocate who sought the best outcome for his clients.

I came to know Attorney Rubano much better when I was appointed the Civil Presiding Judge in New Haven in 2012. Attorney Rubano handled a large volume of the Civil Cases that were on the New Haven Docket. Therefore, I had dealings with him on a weekly and sometimes daily and sometimes hourly basis. I cannot think of a week or month that he did not come before me, either in person, or through filed pleadings. In my frequent dealings with him, I had many opportunities to evaluate his professional character.

During all the time that I knew Attorney Rubano he was respectful and professional. He was also entirely reliable. If he gave me his word on something, or made a representation on a matter, I could trust him. Attorney Rubano worked with me with great integrity. And, working with him was truly a pleasure.

Although I recognize the seriousness of the charges facing him, and the difficulty these pending matters cause for him, personally and professionally, I can state emphatically, that I believe the Connecticut Bar is stronger with him in it.

Please let me know if you require any further information from me. Thank you.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Angela Robinson".

Angela Robinson
Wiggin and Dana LLP
265 Church Street
P.O. Box 1832
New Haven, CT 06508-1832
Tel.: 203-498-4337
Fax: 203-782-2889
arobinson@wiggin.com

COONEY, SCULLY AND DOWLING
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—
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November 20, 2018

Statewide Grievance Committee
Second Floor, Suite 2
287 Main Street
East Hartford, CT 06118-1885

Dear Members of the Committee:

Attorney Louis Rubano has requested that I prepare a character letter on his behalf. I am honored to do so.

I am a partner with the firm of Cooney, Scully and Dowling and have been practicing law for 36 years. I am an attorney in good standing and I have never been the subject of disciplinary action. My practice focuses on trial work and I regularly sit as an arbitrator or mediator and have done so for many years.

It is my understanding that Attorney Rubano has been charged with violations of the Connecticut Rules of Professional Conduct with a particular focus on his practice of reducing his fee and negotiating discounts of medical provider bills to be paid from the proceeds of personal injury settlements while passing on the savings to his clients. It is also my understanding that the manner in which Attorney Rubano handled these settlements and, in particular, the statutory lien owed to the Department of Administrative Services (DAS) resulted in his being charged with this violation and he self-reported this error earlier this year. It is my understanding that Attorney Rubano did not knowingly violate the lien rights of DAS in that he did not understand that the practice utilized was improper.

I have had the pleasure of knowing and interacting with Lou for approximately a decade. Though I have had matters opposite Lou as a litigant, the focus of my interaction with him has been in my capacity as an arbitrator or mediator.

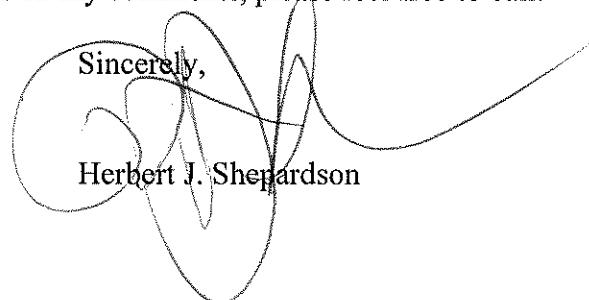
I can say without equivocation that I have found Lou to be an excellent attorney, highly ethical, a vigorous yet appropriate advocate, with ethical standards beyond reproach. I have had the opportunity to observe his interaction with other counsel and, again, though he always vigorously represents the interests of his clients I have never seen him intentionally or unintentionally violate the Rules of Professional Conduct in his professional dealings. He was

courteous, prepared, and always placed his clients' interests first. From my perspective, he is a credit to the profession which has aided him in building up a significant personal injury practice over his years in practice.

Please consider my comments and his pattern of conduct including his zealous, honorable and ethical representation of clients when evaluating the violations which have been charged.

Should you wish me to expound on my comments, please feel free to call.

Sincerely,
Herbert J. Shepardson

A handwritten signature in black ink, appearing to read "Herbert J. Shepardson". The signature is fluid and cursive, with the name written in a larger, more formal style than the preceding text.

MURPHY KARPIE CONNELLY & SICKINGER LLC
ATTORNEYS AT LAW

MICHAEL O. CONNELLY
ROBERT J. SICKINGER*
BRITTANY A. HEPP
SEAN M. HAMILL

OF COUNSEL:
KEVIN R. MURPHY
KAREN L. KARPIE

350 FAIRFIELD AVENUE
SUITE 408
BRIDGEPORT, CONNECTICUT 06604
TELEPHONE (203)333-0177
FAX (203) 333-8475

*ALSO ADMITTED IN NEW YORK

November 23, 2018

Statewide Grievance Committee
Second Floor, Suite 2
287 Main Street
East Hartford, CT 06118-1885

Re: **Louis Rubano, Esq.**

Dear Members of the Committee:

I am writing this letter regarding Attorney Louis Rubano and his character to serve as a member of the Connecticut Bar. It is my understanding that he is presently facing disciplinary action for alleged violations of Rules 4.1, 8.4 and 1.15(e) of the Connecticut Rules of Professional Conduct. I have no knowledge regarding any of the alleged violations, but have known Attorney Rubano for many years and can provide information regarding his character that I believe will be of assistance to the Committee.

I am presently a partner in the firm of Murphy Karpie Connelly & Sickinger LLC and have been practicing in Connecticut since 1995 primarily in the area of insurance defense. I have an active trial practice and also participate in professional development for members of the civil defense bar. I previously served as President of the Connecticut Defense Lawyers Association.

I have known Attorney Rubano dating back to when he first became associated with Lynch, Traub, Keefe and Errante. My experience with Attorney Rubano has been through his representation of plaintiffs in personal injury cases. My firm and I have been involved in scores of cases where Attorney Rubano has represented the plaintiff and we have represented the defendant. In my dealings with Attorney Rubano representing adversaries, I have always known him to be trustworthy, honest and of good moral character.

As part of my practice representing defendants, I am able to gage the trustworthiness of my opposing counsel. Attorney Rubano has always acted as a zealous advocate for his clients, but I have never known him to misrepresent material facts or to engage in deceptive or dishonest conduct. I have always found him to be honest and trustworthy. I routinely rely on

his representations regarding a case, whether it concerns an issue in discovery or negotiating a settlement, and I have never had an issue relying on these representations.

In addition, Attorney Rubano has demonstrated the good moral character that is to be expected of members of the Bar. When I experienced health issues that impacted my practice, he exhibited a very high degree of professionalism and courtesy that not every member of the bar exhibited. More recently, Attorney Rubano and I represented a mutual client in consolidated cases arising from a motor vehicle accident. Attorney Rubano represented the client in his personal injury case, and I defended the client in the suit brought by the other driver. Attorney Rubano's case settled, but my claim went to trial. When I met with the client to prepare his testimony for trial, he had nothing but praise for Attorney Rubano and the handling of his case. I have seen that Attorney Rubano is an honest and caring individual in his representation of his clients as well in dealing with opposing counsel. I have also seen this on both a professional and personal level.

As indicated earlier, I cannot speak to any of the pending charges against Attorney Rubano. I can state that he is an honest and trustworthy individual, who possesses the good moral character required to practice law in the State of Connecticut. If I can provide any additional information, please let me know.

Very truly yours,



Robert J. Sickinger

L | T | K | E LYNCH, TRAUB, KEEFE & ERRANTE, P.C.

ATTORNEYS AND COUNSELORS AT LAW

"IN THE STRUGGLE FOR JUSTICE FOR OVER 60 YEARS"

** HUGH F. KEEFE
† STEVEN J. ERRANTE
oo JOHN J. KEEFE, JR.
* DONN A. SWIFT
CHARLES E. TIERNAN, III
RICHARD W. LYNCH
† MARISA A. BELLAIR
BENJAMIN D. GETTINGER
MATTHEW D. POPILOWSKI
BRENDAN J. KEEFE
† DANIEL P. SCHOLFIELD
ROSALIE D. LOUIS
GARRETT A. DENNISTON
* STEPHEN I. TRAUB, OF COUNSEL
* WILLIAM C. LYNCH, FOUNDER (1924 - 2006)

* BOARD CERTIFIED CIVIL TRIAL LAWYER
oo BOARD CERTIFIED
CRIMINAL TRIAL LAWYER
** BOARD CERTIFIED CIVIL AND
CRIMINAL TRIAL LAWYER
† ALSO ADMITTED IN NEW YORK

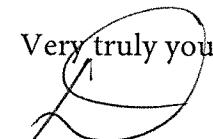
November 9, 2018

Robert M. Frost, Jr., Esq.
Frost, Bussert, LLC

SENT VIA EMAIL
rmf@frostbussert.com

Dear Attorney Frost:

As requested by attorney Rubano, I enclose my character reference letter.

Very truly yours,

Donn A. Swift

DAS/mpa
Enc.

L | T | K | E LYNCH, TRAUB, KEEFE & ERRANTE, P.C.

ATTORNEYS AND COUNSELORS AT LAW

"IN THE STRUGGLE FOR JUSTICE FOR OVER 60 YEARS"

** HUGH F. KEEFE
† STEVEN J. ERRANTE
oo JOHN J. KEEFE, JR.
* DONN A. SWIFT
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† DANIEL P. SCHOLFIELD
ROSALIE D. LOUIS
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* WILLIAM C. LYNCH, FOUNDER (1924 – 2006)

* BOARD CERTIFIED CIVIL TRIAL LAWYER
oo BOARD CERTIFIED
CRIMINAL TRIAL LAWYER
** BOARD CERTIFIED CIVIL AND
CRIMINAL TRIAL LAWYER
† ALSO ADMITTED IN NEW YORK

November 9, 2018

Statewide Grievance Committee
Second Floor, Ste. 2
287 Main Street
East Hartford, CT 06118-1885

Re: Louis M. Rubano, Esq.

Dear Members of the Committee:

I have known attorney Louis Rubano for over 20 years and I have practiced law with him for almost all of that time until he left our firm, Lynch, Traub, Keefe & Errante, in February 2018.

In addition to getting to know attorney Rubano as an attorney, I also got to know him as a son and father. I have spent countless hours working with attorney Rubano on cases and have spent a great deal of time with him outside of work.

In both my personal and professional dealings, I have always seen attorney Rubano to be incredibly hard-working and diligent and always looking out for the best interest of his clients, his family and his friends. His strongest traits are his perseverance and willingness to give the maximum effort in whatever situation he is confronted with.

During his time at Lynch, Traub, Keefe & Errante, I have seen him develop incredible relationships with his clients and this is because of his willingness to put in the effort to get to know his clients and then to

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November 9, 2018
Statewide Grievance Committee
Re: Louis M. Rubano, Esq.

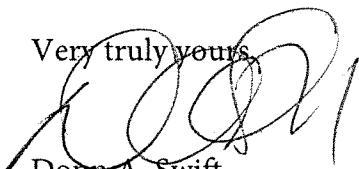
do the best he could for them. I am aware of the charges presented against attorney Rubano and I worked through the process with attorney Rubano while he was still with the firm and during the time that he self-reported the situation.

In addition to getting to know attorney Rubano, I also got to know his family including his parents and I know from getting to know his parents (including his dad who is a retired naval officer) that attorney Rubano was brought up in a family that stressed integrity and hard work. I have seen attorney Rubano practice law and it is clear that his upbringing and the strong moral background of his dad and mom could be seen in the manner in which he acted as an attorney and in the way in which he treated those who he dealt with especially his clients. I can personally attest to the many days that attorney Rubano was in the office early in the morning and stayed late at night. He also worked on weekends to further the best interests of his client.

If I can provide any further information, please let me know.

Thank you.

Very truly yours,



Donn A. Swift
DSwift@LTKE.com

DAS/mpa

Exhibit B

1 refuse to look at them or this procedure was adopted
2 without taking the proper precautions asking the
3 senior attorney at the firm, checking or reading the
4 statutes that were in place. I don't believe that
5 absolves the respondent from the conduct.

6 Rule 8.4(4) is conduct prejudicial through the
7 administration of justice. You know, that's more of
8 a general statement of what happened here. And Rule
9 1.15(e), protect property of third persons. That
10 occurs when the respondent was placed on notice that
11 the State was asserting a lien. He had that
12 obligation to hold the proper amount of the funds
13 that were in dispute.

14 If the client disputed that amount, then he has
15 an -- he had the obligation to hold those funds until
16 the dispute was resolved. What he did do was misled
17 the Department of Administrative Services as to the
18 actual amount of their lien that they were entitled
19 to and took those funds that should have went to the
20 Department of Administrative Services and transferred
21 the funds to the client.

22 This is not something that is a small. We're
23 talking \$260,000 is the amount that the State did not
24 get that they were entitled to receive that these
25 clients received. I don't believe, although it may
26 seem admirable that he certainly was looking out for
27 his client. It's -- it's clear, you know, other than

1 that one incident that we saw where his attorney fee
2 increased. I don't believe he was trying to steal
3 money from the client or -- or DAS personally, but
4 the fact that he was trying to help his clients out,
5 I don't -- I don't think that's an issue that should
6 exonerate him either.

7 ATTY. MOLINARO: Well, Attorney Frost raises
8 that as a significant issue in his response, his mens
9 rea is relevant. Do you feel it is or not?

10 ATTY. STAINES: Well, it doesn't go to mens rea.
11 I mean, the fact that I didn't get the money. I was
12 trying to do better for my client if, you know, it's
13 almost like this, you can't rob something for a good
14 purpose. So it may be a good purpose that you're
15 trying to do the best for your client, but he had
16 a -- the first obligation was to protect the State's
17 lien. And -- and I don't think -- I don't think
18 that's a defense to not doing so.

19 ATTY. MOLINARO: What are you recommending for a
20 consequence?

21 ATTY. STAINES: I believe a presentment is
22 necessary due to the ongoing well, looking at the ABA
23 Guidelines for Lawyer Discipline, if you look at
24 what's not intentional or knowingly or negligently
25 the Practice Book Sections require all of that to be
26 a knowing violation.

27 ATTY. MOLINARO: Did you take into account that

1 he's self-reported. I know there was another report,
2 or that, I mean, it sounds like he was cooperative
3 through the process. Is that accurate?

4 ATTY. STAINES: He was, absolutely. And, you
5 know, to call it a self-report, I think once so many
6 people at the firm found out about it, it was hey,
7 you better report it. And I assume that if he
8 didn't, someone else would have so.

9 ATTY. MOLINARO: And there is another report
10 that was made. It wasn't just the self-reporting.

11 ATTY. STAINES: Correct. And he -- and he did
12 cooperate throughout the thing. You know, to hear
13 his testimony now, I think he's sincere that he feels
14 bad that it happened. And he's corrected that
15 situation, but again, I don't think that, in and of
16 itself, fixes the problem. I -- I think the fact
17 that this went on for so long and he's saying I'm not
18 aware of this, I -- I find that hard to believe. I
19 think the -- I think the presentment is necessary and
20 let the Judge make a proper determination of what the
21 discipline should be.

22 ATTY. MOLINARO: Do you have anything else that
23 you would like to add?

24 ATTY. STAINES: No, ma'am.

25 ATTY. MOLINARO: Thank you. Attorney Frost?

26 ATTY. FROST: Thank you. And I think that's
27 where our disagreement is. I think that his