IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

IN RE: WESLEY SHELMAN SPEARS, BPR NO. 009291
An Attorney Licensed to Practice Law in Tennessee
(Hartford, Connecticut)

No. M2024-00220-SC-BAR-BP
BOPR No. 2024-3378-5-AW-25

ORDER OF RECIPROCAL DISCIPLINE

This matter is before the Court pursuant to Tenn. Sup. Ct. R. 9, § 25, upon a Notice of Submission filed by the Board of Professional Responsibility ("Board") containing a certified copy of a Memorandum of Decision entered September 25, 2023, by the State of Connecticut Superior Court, Judicial District of Hartford in the *Office of Chief Disciplinary Counsel v. Wesley S. Spears*, Docket No. CV-22-6160733-S, imposing a two (2) year suspension effective thirty (30) days from the date the decision was filed.

On February 13, 2024, this Court entered a Notice of Reciprocal Discipline requiring Mr. Spears to inform this Court within thirty (30) days of receipt of the Notice why reciprocal discipline should not be imposed in Tennessee pursuant to Tenn. Sup. Ct. R. 9, § 25.4 or, in the absence of a response demonstrating the grounds set forth in Tenn. Sup. Ct. R. 9, § 25.4, the Supreme Court of Tennessee will impose a discipline with identical terms and conditions based upon the Memorandum of Decision entered by the State of Connecticut Superior Court, Judicial District of Hartford, attached as Exhibit A. This Court has received no response from Mr. Spears.

After careful consideration of the record in this matter, the Court finds, based upon the particular facts of this case, that none of the elements in Tenn. Sup. Ct. R. 9, § 25.4, exist. Accordingly, it is appropriate to enter an Order of Reciprocal Discipline.

IT IS, THEREFORE, CONSIDERED, ORDERED, ADJUDGED, AND DECREED BY THE COURT THAT:

(1) Wesley Shelman Spears shall be suspended for a period of two (2) years, effective October 25, 2023, and shall comply with the terms and conditions set forth in the Memorandum of Decision entered in the *Office of Chief Disciplinary Counsel v. Wesley S. Spears.*

(2) Pursuant to Tenn. Sup. Ct. R. 9, § 31.3, Mr. Spears shall pay to the Clerk of this Court the costs incurred herein within ninety (90) days of the entry of this Order, for all of which execution may issue if necessary.

(3) Pursuant to Tenn. Sup. Ct. R. 9, § 28.1, this Order shall be effective upon entry.

(4) The Board of Professional Responsibility shall cause notice of this discipline to be published as required by Tenn. Sup. Ct. R. 9, § 28.11.

PER CURIAM

STATE OF CONNECTICUT

DOCKET NO. CV-22-6160733-S	:	SUPERIOR COURT
OFFICE OF CHIEF DISCIPLINARY COUNSEL	:	JUDICIAL DISTRICT OF HARTFORD
v.	:	
WESLEY S. SPEARS	:	SEPTEMBER 25, 2023

MEMORANDUM OF DECISION

In this attorney disciplinary matter, the court must decide whether the respondent, Wesley S. Spears, violated certain rules of professional conduct by making false and defamatory allegations in pleadings in this action against judges and prosecutors and the Glastonbury Police Department. If the court determines that the plaintiff, the Office of Chief Disciplinary Counsel (OCDC), has established that Mr. Spears' conduct violated the Rules of Professional Conduct by clear and convincing evidence, the court must decide what sanction to impose. The court held an evidentiary hearing on April 12 and 13, 2023, at which the parties had the opportunity to present and cross-examine witnesses, introduce documentary proof, and submit posttrial briefs. After considering all of the record evidence and the parties' arguments, the court concludes that the OCDC has established that the respondent has violated the rules of professional conduct, and that a substantial period of suspension is warranted.

Procedural Background

This action began after Judges David Gold and Nuala Droney made a referral to the Chief Disciplinary Counsel, Brian Staines, concerning the respondent pursuant to Rule 2.14 of the Code of Judicial Conduct. Rule 2.14 of the Code of Judicial Conduct provides: "A judge having a reasonable belief that the performance of a lawyer or another judge is impaired by

Exhibit A

173.00

drugs or alcohol or by a mental, emotional, or physical condition, ***shall*** take appropriate action, which may include notifying appropriate judicial authorities or a confidential referral to a lawyer or judicial assistance program." (Emphasis added.)

Judge Gold is the presiding judge for Part A Hartford criminal matters and the chief administrative judge for the criminal division. Judge Droney was, at the time of the referral, the presiding judge of Part B criminal matters in Hartford.

The respondent has been practicing law in Connecticut since 1986 and represents defendants in criminal matters in Hartford. He was 69 years old in September 2022. He routinely appears and appeared in Hartford criminal court before the criminal judges, including Judges Droney and Gold.

In their referral letter, dated September 12, 2023, Judges Gold and Droney explained that since July 29, 2022, after the Glastonbury Police executed a search warrant on the respondent's home,[1] he sent numerous emails to judges and court personnel, many related to two pending criminal matters in which he represented the defendants, *State* v. *Edward Brozynski* and *State* v. *Raquan Lambert*, which "cause us to have reasonable concerns for Attorney Spears and his clients."[2] In particular, the judges' referral letter stated that the respondent failed to appear at several court events in August 2022, and that the respondent had provided notes from his physicians to explain his absences. The judges' referral letter states:

[1] In July 2022, a gun was discharged in the respondent's residence by an unidentified client of the respondent, which resulted in a bullet being located in a neighbor's residence. As a result, the Glastonbury Police Department sought and obtained a search warrant to search the respondent's residence. The search warrant was reviewed and approved by Judge Sheila Pratts, the presiding judge of the Manchester criminal court. The execution of the warrant caused the respondent great distress. He was present when the police searched his home. Although criminal charges were filed, they were ultimately dismissed after the respondent successfully completed a diversionary program.

[2] Although normally such a referral letter and its contents would be confidential, the judges' referral letter and attachments were entered into evidence as full exhibits at the public hearing in this matter. The respondent did not object. Although as discussed in this decision, the issue of the respondent's capacity has been resolved, the underlying facts and circumstances leading up to the judges' referral letter provide relevant background to this disciplinary matter.

> Notwithstanding his claims regarding his current health status, Attorney Spears has since filed a motion for speedy trial in the *Brozyniski* matter. Attorney Spears has also faxed the enclosed communication to the court in which he authorizes his doctor to disclose heath information allowing, *inter alia*, 'East Hartford Police or the State's Attorney's office to discuss a call made to my doctor on or about September 2, 2022, by someone purporting to be a Superior Court Judge.' Attorney Spears states in his cover letter that this call resulted in 'denial of treatment because of the call on September 2, 2022.' Neither Judge Gold nor Judge Droney have ever called an attorney's doctor, including any doctor purportedly treating Attorney Spears.

The judges' referral letter attached numerous filings and emails from the respondent to judges, prosecutors, and court personnel, sent at all hours of the day and night, on weekends, sometimes multiple times a day between July 29, 2022, and mid-September 2022. In these emails, the respondent asserted that since his home was searched by the Glastonbury Police Department on July 29, 2022, he believed he would be arrested and claimed that none of his pending criminal matters could move forward because he was not sleeping and had PTSD.[3] The following is a sampling of the respondent's emails:

- In an email dated August 2, 2022, at 3:10 a.m. to Judges Gold, Droney, and Doyle and State's Attorney Walcott, the respondent stated: "Hi: It is now 3 a.m. I am unable to sleep in fear of another Swat Team entering my house. I believe I have PTSD. I have an appointment with a doctor. I will be providing whatever report I receive. I do not believe it is in my client's interest that any cases be scheduled for Trial. I will attempt to manage my other cases to the extent possible. But if I am under a doctor's care for PTSD I do not think it's fair to expect me to try any cases right now."

- On August 3, 2022, at 12:55 a.m., the respondent sent an email to Judge Droney and Assistant State's Attorney Magnani: "Hi Judge and Samantha: I think it is a mistake to go forward with the Lambert plea. Until the state arrests me or ceases any investigation taking a plea could later result in appellate issues. I have been through this about eight times before and every other time my cases came to a halt. Further, since, I am seeking treatment for PTSD there is another issue for appeal. Sincerely, Wesley Spears."

[3] "PTSD" stands for post-traumatic stress disorder. The DSM-5 defines PTSD as a trauma- and stressor-related disorder resulting from exposure to a traumatic or stressful event that causes, among other symptoms, "significant distress or impairment in social, occupational, and other important areas of functioning." American Psychiatric Association, *Diagnostic and Statistical Manual of Mental Disorders* § 309.81 (5th ed. 2013).

- On August 4, 2022, at 1:26 a.m., the respondent sent an email to a number of recipients, including Judge Gold: "Hi Everyone: I will be seeking dismissal of all my client's cases because their files were illegally searched on or about July 29th, 2022."[4]

- On August 4, 2022, at 9:57 a.m., the respondent sent an email to Judge Droney and Attorney Magnani: "Hi Judge and Samantha: I do not feel that I am capable of discussing the above cases today please continue!" When Judge Droney responded to the emails and advised him that the proper procedure for seeking a court continuance was a formal motion to continue the matter, the respondent replied with an email, with the subject line, "Re Incapaciti": "If my representation that I cannot participate in today's pretrial is not sufficient, I will sign in! I believe I am entitled to more dignity that this!!!!!!!!!!!!!!!"

- On that same day, August 4, 2022, the respondent sent an email to Attorney Magnani: "I am sick. If I am back before January, you will be lucky."

On August 9, 2022, Judge Gold held an on-the-record hearing in the *Brozynski* case at which Mr. Brozynski was present. Judge Gold explained the reason for the hearing as follows: "The initial matter that I wish to take up concerns events that transpired on or after July 29, 2022. And I am bringing these events up and placing them on the record for two reasons. I want to be convinced, as the trial court, that Mr. Spears is prepared to try this case, and I also want to be convinced that Mr. Brozynski is aware of these events and he's aware also of the issues that could arise as a result of these events, and that Mr. Brozynski is prepared, notwithstanding the events, to indicate his desire to go forward with Mr. Spears as his attorney."

Judge Gold then proceeded to review on the record all of the events that had transpired after the search of the respondent's home, including the emails to the judges, court personnel and prosecutors, and then asked the respondent if he was physically and mentally prepared to

[4] This representation was not accurate. In the hearing before Judge Gold held on August 9, 2022, the respondent admitted that he did not observe the Glastonbury police "invade" his client files, but that it was only a possibility that they did so and he wanted to investigate the issue.

represent Mr. Brozynski and proceed with the trial within thirty days. Mr. Spears said that he was so prepared, "without a doubt."[5]

In the referral letter, Judges Droney and Gold explained that on September 6, 2022, when the respondent appeared for a court matter, they met with him in private and "informed him of our obligation and intention to make this referral." The judges did not request any specific action by the OCDC but ended the referral letter by stating: "We refer these matters for your attention so that you may take any action that you deem appropriate."

On or about September 21, 2022, the OCDC initiated this action by filing a Petition for Inactive Status and Appointment of a Trustee against the respondent pursuant to Practice Book §§ 2-34A and 2-58. Section 2-58 provides in relevant part: "Whenever . . . the disciplinary counsel shall have reason to believe that an attorney is incapacitated from continuing to practice law by reason of mental infirmity or illness . . . counsel . . . shall petition the court to determine whether the attorney is so incapacitated and the court may take or direct such action as it deems necessary or proper for such determination, including examination of the attorney by such qualified medical expert or experts as the court shall designate . . . ." In the Inactive Status Petition, the OCDC requested that the court determine whether the respondent was "incapacitated and unable to practice law by reason of physical and/or mental illness, and that it order an examination of the Respondent by a qualified medical expert or experts as the court shall designate." Disciplinary counsel requested that if the court determined that the respondent was incapacitated, he be placed on inactive status.

The respondent chose to represent himself in the matter.[6] Between September 27, 2022, and October 11, 2022, the respondent filed a flurry of motions in which he asserted that

[5] Mr. Brozynski, after having been canvassed by Judge Gold, indicated that he wished the respondent to continue to represent him.

the petition for inactive status should be dismissed because it was based on a broad-ranging and long-time conspiracy against him by judges, prosecutors and the Glastonbury Police Department, and that Judge Gold "filed" this claim to cover up erroneous rulings of Judge Laura Baldini, with whom Judge Gold was purportedly having an adulterous affair. These motions and the allegations contained in them were not supported by fact or law and did not address the claims as to his conduct set forth in the inactive status petition and were denied.

On October 11, 2022, the OCDC filed in this case a request for an immediate order to show cause why the respondent should not be disciplined "for false statements he has made in pleadings in this matter." The OCDC asserted that the respondent's "outrageous false claims, attacking the integrity and qualification of three Superior Court judges, must be dealt with immediately."[7]

On October 14, 2022, the OCDC filed a pleading entitled, "Specific Claims on Order to Show Cause," in which it specified the alleged false statements made by the respondent in his pleadings in this case and asserted that such assertions were false and professional misconduct, including:

1. "[T]his matter is nothing less than a broad-ranging conspiracy that has continued for years, involving judges, state attorneys and the Glastonbury police Department against the defendant, Wesley Spears." Docket Entry No. 107, Motion for on the Record Trial Management Conference, dated September 30, 2022.

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[6] This court repeatedly urged the defendant to retain counsel throughout these proceedings, but, except when he was represented by appointed counsel, he chose to represent himself, which is, of course, his right.

[7] This court has inherent authority to discipline attorneys regardless of whether the matter is initiated in court or before the Statewide Grievance Committee. *Burton v. Mottolese*, 267 Conn. 1, 25, 835 A.2d 998 (2003), cert. denied, 541 U.S. 1073, 124 S. Ct. 2422, 158 L. Ed. 2d 983 (2004). "Once the complaint is made, the court controls the situation and procedure, in its discretion, as the interests of justice may seem to it to require." Id., 26. See also *State* v. *Peck*, 88 Conn 447, 91 A. 274 (1914); Practice Book §§ 2-44 and 2-45.

2. "The Glastonbury Police Department has filed papers prohibiting Wesley Spears from obtaining a firearm for self-protection as part of the ongoing conspiracy indicated in previous motions." Docket Entry No. 108, Motion to Prohibit the Glastonbury Police from Preventing Wesley Spears to Obtain a Replacement Firearm, dated October 2, 2022.

3. "Judge Gold was involved in an adulterous affair with Judge Baldini which led to Judge Gold filing this claim in an attempt to block the discovery of Judge Baldini's erroneous rulings in the State v. Brozynski matter. In addition, Judge [Baldini] made erroneous rulings in State v. Ortiz. Defendant Wesley Spears by accident walked in on an intimate moment between Judge Baldini and Judge Gold. It was quite embarrassing to see Judge Gold act like a kid with his hand caught in the cookie jar as Judge Baldini recovered from her haggard appearance. Defendant Spears has further proof which includes evidence that Judge Pratts who signed the search warrant on defendant's home was aware of his judicial complaint against Judge Baldini who were both assigned to Hartford Superior Court and contained in documents filed in support of his claim of bias and prejudice by Judge Baldini against the defendant, Wesley Spears." Docket Entry No. 110, Motion to for [sic] Dismiss, dated October 1, 2023.[8]

[8] At the hearing on April 12, 2023, the OCDC withdrew its claim as to Assistant State's Attorney Magnani, which stated: "... Assistant State's Attorney Samantha Magnani contacted the defendant, Wesley Spears' doctor and discussed his medical condition without HIPAA authorization and provided the defendant's doctor with false information." This statement appeared in a pleading in this case dated October 2, 2022, Docket Entry No. 109. Because this claim was withdrawn, the court did not consider it. Despite the Magnani claim being withdrawn at the hearing, the respondent seemed to make it the center of his defense and post hearing brief, even attempting to submit new evidence on the topic after the close of evidence and focusing most of his arguments around this event. By doing so, the respondent has missed the big picture, and failed to adequately address or recognize the real concerns that the judges had about his capacity to represent his clients based on his own conduct and statements and admissions in his many communications with the court and attached to the referral letter. See OCDC's Exhibit 1. The judges' referral letter simply referred to one of the respondent's

The OCDC asserts that the respondent's statements violate the following Rules of Professional Conduct: Rule 3.1 (meritorious claims and contentions); Rule 3.3 (false statement of fact to a tribunal, offer of evidence that the lawyer knows to be false); Rule 8.2 (statement by lawyer known to be false or with reckless disregard as to its truth or falsity concerning the qualifications or integrity of a judge); Rule 8.4 (3) (conduct involving dishonesty, fraud, deceit or misrepresentation) and Rule 8.4 (4) (conduct prejudicial to the administration of justice).

This court scheduled a combined hearing on the petition for inactive status and the disciplinary presentment on November 8, 2022. When the respondent appeared without counsel and stated his intention to represent himself in both matters, the court suspended the hearing. Thereafter, with the respondent's consent, the court appointed counsel for the respondent as to the petition for inactive status only and appointed a qualified medical expert to evaluate the respondent's capacity to practice law. See Practice Book § 2-58. The hearing on the disciplinary presentment was continued. On February 10, 2023, after receiving the final evaluation of the medical expert who opined that the respondent was "not currently incapacitated from continuing to practice law," the court dismissed the OCDC's petition for inactive status.[9] Because respondent's counsel's appointment was only as to the petition for inactive status, his appointment was terminated. The evidentiary hearing on the disciplinary presentment began on April 12, 2023, and concluded on April 13, 2023.[10]

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communications with the court, which suggested that someone purporting to be a Superior Court judge contacted his doctor. The judges indicated they had never called any attorney's doctor, including the respondents. No contrary evidence was submitted at the hearing that any judge had contacted the respondent's physician.

[9] Because the expert medical opinion included confidential medical information, and the respondent's interest in privacy outweighed the public's right to review the document, the court sealed the report.

[10] The parties did not object to the hearing date of April 12, 2023, and neither party sought a continuance of the hearing, prior to or during the hearing. Evidence ended early on both days, giving the parties more than sufficient time to present all of their evidence in the two days provided by the court.

The respondent represented himself at the evidentiary hearing held on April 12 and 13, 2023.[11] The parties presented witnesses and documentary evidence and filed post hearing briefs.[12]

A. Findings of Fact[13]

Based on the credible and relevant evidence presented at the hearing, the court finds the following facts.[14]

The respondent was admitted to practice law in this State on October 14, 1986. His juris number is 305297. He received a reprimand on December 8, 2000, in Grievance Complaint Number 97-0874, which was resolved by stipulation.

The respondent's law practice involves criminal, civil and family matters, with 50% of his practice being dedicated to criminal cases. He is familiar with the civil Practice Book rules as well as the Code of Professional Conduct.

In response to the OCDC's petition for inactive status, the respondent, with knowledge and intent, drafted, reviewed, signed and filed motions containing the statements that are the subject of this action, Docket Entry Nos. 108, 107 and 110. These motions contained no

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[11] On numerous occasions, both on and off the record, the court advised the respondent concerning the benefits of having an attorney represent him in this matter. Nevertheless, he chose to represent himself.

[12] The respondent filed a motion to disqualify this court, after the conclusion of the hearing, which was referred to Judge Stuart Rosen. Judge Rosen denied the motion to disqualify on August 9, 2023. See Docket Entry No. 168. The respondent's motion to reargue was denied on August 28, 2023. Docket Entry No. 170.86.

[13] These findings of fact are based on the oral and documentary evidence presented at the hearing on April 12 and 13, 2023, only. The court denied the respondent's May 25, 2023 motion to open the evidence. See Docket Entry Nos. 160 and 160.86. Despite the court's ruling denying the respondent's motion, much of the respondent's posttrial brief relies on facts not in evidence. The court did not consider the facts not in evidence, or any arguments based on facts not in evidence, in this opinion.

[14] Prior to their testimony, the court granted Judge Laura Baldini's and Judge David Gold's motions for protective orders, in part, and precluded any questioning by any party as to the judges' deliberative process or mental impressions in conducting any judicial proceeding or any judicial decision-making, which are absolutely privileged. In addition, the judges' motions were granted as to observed facts such that questions were only permitted as to observed facts if it was established that there was a compelling need for the judges' testimony. *Statewide Grievance Committee* v. *Burton*, 299 Conn. 405, 415, 10 A.3d 507 (2011).

factual support or legal authority for the relief sought, dismissal, and served no purpose in advancing the inactive status matter.

Allegations of an "Adulterous Affair"

On March 18, 2020, in response to the nationwide COVID-19 pandemic, the Judicial Branch implemented a mitigation plan to reduce daily business at every court location statewide to stem the spread of this serious and deadly disease. Although the criminal courthouse at 101 Layfette Street remained open, its operations were strictly limited, and entrance to the buildings by the public, including attorneys, was restricted to only priority matters, such as arraignments. Court hours and operations were also limited. Judges' and court staff's access to 101 Lafayette was also limited. Matters were handled remotely or on the papers, whenever possible. Due to these restrictions, Judge Baldini was only present in the criminal courthouse on nine occasions from May to July 2020, including May 4; June 1, 17, 19 and 30; and July 2, 8, 9 and 16, 2020. During this period, Judge Gold worked one day every three weeks. All persons entering the court buildings were required to wear masks and exercise social distancing.

Despite these limited court operations and building restrictions, the respondent testified that on an unspecified date and time in May, June or July 2020, he went to the criminal court building at 101 Lafayette Street because he had a matter before Judge Baldini. He could not identify the name of the case, or the event docketed but recalled that the event did not require him to appear in person in the courthouse. Despite this, he appeared in person at the courthouse anyway because he did not want to upset Judge Baldini. The respondent did not, and could not, refer to his calendar to confirm the date he went to the courthouse during this

time period, because he changed phones, and claims he no longer had access to his remote calendars.

The respondent could not recall precisely how he was able to wander through the courthouse to Judge Baldini's chambers in view of the courthouse COVID-19 restrictions but stated he took his "usual route." He claimed to have entered the courthouse through the front door of 101 Lafayette Street, went through security and was allowed to enter the building even though he did not have an in-person priority matter pending before the court. No one questioned him, asked where he was going or why he was there in person. He could not recall if he was wearing a mask. He then took the elevator to the second floor, entered an empty courtroom, walked to the back of the courtroom and though a door to a secure hallway where the judges' chambers are located. He then took another elevator to the third floor and walked through another secure area until he reached Judge Baldini's chambers. Without notice or invitation, he approached Judge Baldini's chambers and saw her door was ajar. He did not knock but heard a sound that he interpreted as an invitation to enter the chambers and he did so. Upon entering Judge Baldini's chambers, he claimed that he witnessed Judges Baldini and Gold sitting in the two visitor chairs in front of Judge Baldini's desk. Judge Baldini was sitting sideways in her chair with her legs draped over the side with her feet on Judge Gold. Neither Judge Baldini or Judge Gold were wearing masks. The respondent did not have any personal knowledge as to the marital status of the judges but testified that in his mind this conduct constituted an "adulterous affair."

Judge Baldini testified credibly that the respondent's account of these events was a "malicious lie," "maliciously false" and "was not true." She does not recall anytime that the respondent walked into her chambers when Judge Gold was also present.

Judge Gold testified credibly that the respondent's statement of the event was "untrue," "an outright falsehood," "absolutely false," "fabricated" and that "nothing like [the respondent] described ever happened." Judge Gold did not recall interacting with the respondent at all from May through July 2020, when he was a Part A trial judge in Hartford and did not become involved in the *State* v. *Brozynski* matter until 2022.

Judge Gold learned about the respondent's assertions of an adulterous affair made in the fall of 2022, from attorneys in the courthouse, who expressed sympathy, and showed him the respondent's motion on their cell phones. Judge Gold received calls from colleagues and others across the state, and he was quite embarrassed.

After the respondent filed the motion in this case, asserting the affair, an article appeared in the *Journal Inquirer* which reported on the pending inactive status petition against the respondent and, although it did not include the judges' names, it repeated the claim that two Superior Court judges were having an adulterous affair. The respondent was quoted in the newspaper article.

The only first-hand evidence of an "adulterous affair" between Judges Gold and Baldini was the respondent's testimony, as described.[15] The court credits Judges Baldini's and Gold's testimony that the events described by the respondent did not occur. The court did not find the respondent's testimony credible for a number of reasons, including: (1) he could not recall the specific date of the event docketed that brought him to court during the early days of the pandemic; (2) he did not provide any evidence that he had any matters on any dockets during these months that required his appearance in court on any of the few days that Judge

[15] This court does not credit the hearsay testimony of the respondent's witnesses, who testified that the respondent told them what he witnessed in Judge Baldini's chambers. In addition to being hearsay, this testimony undermined the respondent's testimony as each one of them told a very different tale to what the respondent told them supposedly occurred in Judge Baldini's chambers.

Baldini was physically present in the courthouse from May to July 2020; (3) although he could not recall the matter on the docket, he stated it was not a priority that required him to appear in person in the courthouse; and (4) it is simply incredible that the respondent, or any attorney, would have been permitted to enter the criminal courthouse during the early days of the COVID-19 pandemic, unless the attorney or person had an in-person priority matter, and, even if the attorney had an in-person matter, that they would have been allowed to wander through the building, no questions asked.

In addition, even if the respondent's version of events were true – which the court has found incredible – the respondent's description of the event did not constitute an "adulterous affair." "Adultery" is defined as "Voluntary sexual intercourse between a married person and someone other than the person's spouse." *Black's Law Dictionary* (11th ed. 2019); see also *Conroy v. Idibi,* 204 Conn. App. 265, 296, 254 A.3d 300 (2021), aff'd 343 Conn. 201, 272 A.3d 1121 (2022) (General Statutes § 46b-40(f) defines adultery as voluntary sexual intercourse between a married person and a person other than a person's spouse). The respondent had no personal knowledge of the judges' marital status and did not describe an adulterous affair as those terms are commonly used and defined by law.[16]

The respondent made his false and defamatory affair allegations to retaliate against Judge Gold (and Judge Droney) for notifying the OCDC of the respondent's erratic and concerning behavior after July 29, 2022. The respondent alerted the press to his filing, and

[16] Claiming that a person had an affair or engaged in adultery is defamatory and sufficient support a claim of slander per se. *Lamson* v. *Farrow*, Superior Court, judicial district of New Haven, Docket No. CV-08-4029172-S (January 10, 2012, *Young, J.*).

testified, "Well, I thought I was being defamed by the whole matter. I mean, I'm being called crazy, so I wanted to dissuade that notion."[17]

As to the respondent's other statements, he provided no evidence, other than his own beliefs, that Judge Gold filed the petition for inactive status, "to block the discovery of Judge Baldini's erroneous rulings in the State v. Brozynsky matter."[18]

As to Judge Pratts, the respondent admitted that he had no specific knowledge that Judge Pratts was aware that the respondent had filed a grievance complaint against Judge Baldini and that such knowledge somehow influenced Judge Pratt's decision to approve the search warrant on the respondent's residence.

Claims of Broad-Ranging Conspiracy

In Docket Entry No. 107, filed on October 3, 2022, the respondent claimed that the inactive status petition was "nothing less than a broad-ranging conspiracy that has continued for years, involving Judges, States Attorneys and the Glastonbury Police department against the defendant, Wesley Spears." In Docket Entry No. 108, dated October 2, 2022, the respondent asserted that the "Glastonbury Police Department has filed papers prohibiting Wesley Spears from obtaining a firearm for self-protection as part of the ongoing conspiracy indicated in previous Motions."

During the hearing, the respondent clarified that by "conspiracy" he meant racial bias against him as an African American, and that his claims of conspiracy as to the Glastonbury Police Department only involved events that occurred in 2022, when he moved there. The

[17] There is no evidence that anyone used the term "crazy" to describe the respondent. It was the respondent himself how stated he had PTSD and used the word "incapaciti [sic]."

[18] This assertion is nonsensical as Judge Baldini's rulings in the Brozynsky matter, and in other cases, are a matter of public record that could have been appealed at the appropriate time in the case.

conspiracy between the police, the judges and state's attorneys was intended to prevent him from representing his clients effectively.

The respondent provided no competent, credible, or unbiased testimony to support his claims of conspiracy based on racial bias. Rather, his testimony was based on his own opinions, experiences, suspicions and intuition as a black man and an attorney. For example, he testified that he believes that he was followed around town by the Glastonbury Police Department in undercover vehicles, at the behest of the state's attorney's office. The respondent provided no evidence that this occurred or that the any state's attorney directed that he be followed. He also testified that one evening, he was having dinner at the bar at a Glastonbury restaurant when a white man and woman approached him and began a conversation. He claimed that these two people, where were apparently white, were undercover detectives investigating him. Although he had no proof that this was the case, he believed this to be true because the woman shook his hand firmly and white people do not approach black men in restaurants.

The respondent also claimed that the way the search warrant was executed on his home was evidence of a racial conspiracy. However, there was no evidence presented as to how other similar search warrants were executed against others from which this court could make any comparison or conclusion that the execution of this warrant was racially motivated. Moreover, the respondent did not challenge the warrant or its execution in his criminal case.

When asked what judges were involved in the broad-ranging racial conspiracy against him, the respondent identified deceased Judges Stanley and Norko, as well as Judges Baldini, Gold and Pratts. Allegations as to Judges Stanley and Norko involved arrest warrants signed

against him in the 1990s. Other than his belief that their actions were racially motivated, the respondent provided no proof.

When pressed as to what evidence he had of the racial conspiracy involving Judges Gold, Pratts and Baldini, he did not offer any competent or credible evidence, relying exclusively on his beliefs and suspicions that Judges Pratts and Gold were somehow acting to protect Judge Baldini's decisions in his cases or as retribution for his filing a complaint against Judge Baldini at the Judicial Review Counsel. As for Judge Baldini, he testified that "she had it out for him." Specifically, he complained that she ruled against him and made him come to court when he was ill. Such complaints about judges are insufficient to establish a racial conspiracy against him.

It is noteworthy that the respondent has made no claims of conspiracy or otherwise as to Judge Droney, who co-authored the referral letter to the OCDC with Judge Gold. She and Judge Gold had experienced firsthand the respondent's erratic and concerning behavior in court and through his filings and communications with the court. Together they submitted the referral letter to the OCDC for investigation. They did not call the respondent "crazy" or direct any particular outcome. They provided evidence to support their reasonable belief that the respondent was impaired by "drugs or alcohol or by a mental, emotional or physical condition," based on his own admissions that he was incapacitated, had PTSD, could not sleep and that, as a result, all his cases would have to be continued for many months. See Code of Judicial Conduct, Rule 2.14.

DISCUSSION

FINDINGS RE: VIOLATIONS OF RULES

The court finds that disciplinary counsel has proved by clear and convincing evidence that the respondent violated the following rules of professional conduct:[19]

Rule 3.1 – Meritorious Claims and Contentions

Rule 3.1 of the Rules of Professional Conduct provides in relevant part: "A lawyer shall not bring or defend a proceeding, or assert or controvert an issue therein, unless there is a basis in law and fact for doing so that is not frivolous . . . ." According to the commentary to this rule, "[w]hat is required of lawyers . . . is that they inform themselves about the facts of their clients' cases and the applicable law and determine that they can make good faith arguments in support of their clients' positions."

The respondent violated this rule by making statements in pleadings in this case that he knew were false or that were made with reckless disregard for the truth. The allegations were not and have not been supported by law or fact, but only by innuendo, suspicions, and speculation and his personal beliefs.

The respondent has defended his conduct with claims of racial bias. Bias of any sort, including racial and gender bias, has no place in the courtroom or the system of justice. *Burton* v. *Mottolese*, 267 Conn. 1, 48-49, 835 A.2d 998 (2003), cert. denied, 541 U.S. 1073, 124 S. Ct. 2422, 158 L. Ed. 2d 983 (2004). "Of all the charges that might be leveled against

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[19] The respondent does not dispute that the rules of professional conduct apply to attorneys when representing themselves. *Notopoulos* v. *Statewide Grievance Committee*, 277 Conn. 218, 890 A.2d 509, cert. denied, 549 U.S. 823, 127 S. Ct. 157, 166 L. Ed. 2d 39 (2006). "Whether an attorney represents himself or not, his basic obligation to the court as an attorney remains the same. He is an officer of the court . . . Disciplinary proceedings not only concern the rights of the lawyer and the client, but also the rights of the public and the rights of the judiciary to ensure that lawyers uphold their unique position as officers . . . of the court. . . . An attorney must conduct himself or herself in a manner that comports with the proper functioning of the judicial system." (Citation omitted) *In the Matter of Presnick,* 19 Conn. App. 340, 345, 563 A.2d 299, cert. denied, 213 Conn. 801, 567 A.2d 833 (1989).

one sworn to administer justice and to faithfully and impartially discharge and perform all the duties incumbent upon me . . . a charge of bias must be deemed at or near the very top in seriousness, for bias kills the very soul of judging—fairness." (Internal quotation marks omitted.) Id., 49. However, the respondent did not provide any objective reasonable beliefs that his claims of racial bias were true.

Rule 3.3 – Candor Toward the Tribunal

Rule 3.3 (a) (1) of the Rules of Professional Conduct provides: "A lawyer shall not knowingly . . . [m]ake a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer." "[A]n assertion purporting to be on the lawyer's own knowledge, as in an affidavit by the lawyer or in a statement in open court, may properly be made only when the lawyer knows the assertion is true or believes it to be true on the basis of a reasonable diligent inquiry . . . ." (Internal quotation marks omitted.) *Burton* v. *Mottolese*, supra, 267 Conn. 46.

The respondent violated this rule by making false and defamatory statements to the court and in pleadings concerning Superior Court judges and others and asserting a broad-ranging conspiracy against him due to his race for the purpose of undermining his ability to represent his clients properly and effectively.

Rule 8.2 – Judicial and Legal Officials

Rule 8.2 (a) provides in relevant part: "A lawyer shall not make a statement that the lawyer knows to be false or with reckless disregard as to its truth or falsity concerning the qualification or integrity of a judge, adjudicatory officer of public legal officer . . . ." The commentary to this rule explains: "Assessments by lawyers are relied on in evaluating the professional or personal fitness of persons being considered for . . . appointment of judicial

office . . . Expressing honest and candid opinions on such matters contributes to improving the administration of justice. Conversely, false statements by a lawyer can unfairly undermine public confidence in the administration of justice." See also *Burton* v. *Mottolese*, supra, 267 Conn. 46.

The standard under this rule is well-established[20] and provides that the OCDC must "first present evidence of misconduct sufficient to satisfy its burden of proving its case by clear and convincing evidence. . . . If the plaintiff sustains its burden, then the burden of persuasion shifts to the defendant to provide proof of an objective and reasonable basis for the allegations." (Citation omitted.) *Statewide Grievance Committee* v. *Burton*, 299 Conn. 405, 412-13, 10 A.3d 507 (2011); see also *Somers* v. *Statewide Grievance Committee*, 245 Conn. 277, 290, 715 A.2d 712 (1998). The court finds that the OCDC met its burden to establish its claims, through the submission of the respondent's statements, testimony from Judges Gold and Baldini, and through the testimony of the respondent himself who provided no credible or objective proof to support his claims of racial bias, broad-ranging conspiracies against him, an "adulterous affair" or that judges acted to protect or support Judge Baldini.

"When an attorney, subject to sanctions for violating rule 8.2 (a), has presented no evidence establishing a factual basis for [his or] her claims . . . the fact finder reasonably may conclude that the attorney's claims against the court were either knowingly false or made with reckless disregard as to [their] truth or falsity." (Citations omitted; internal quotation marks omitted) *Notopoulos* v. *Statewide Grievance Committee*, 277 Conn. 218, 227-28, 890 A.2d 509, cert. denied, 549 U.S. 823, 127 S. Ct. 157, 166 L. Ed. 2d 39 (2006). Unsupported allegations do not give rise to "an objective, reasonable belief that the assertions were true."

[20] The court made it clear to the respondent several times, both off and on the record, that it would apply this well-established standard in deciding this case.

Id., 228. The Supreme Court has "adopted an objective test for attorney speech pursuant to which an attorney speaking critically of a judge or a court must have an objective basis for the statements. . . . [W]holly conclusory allegations of judicial misconduct, without objective factual support, justify the imposition of attorney discipline." (Citations omitted; internal quotation marks omitted.) *Statewide Grievance Committee* v. *Burton*, supra, 299 Conn. 413. Statements of opinion related to court experiences are insufficient. Id. "Adverse rulings in court proceedings, and even incorrect rulings, do not in and of themselves amount to evidence of illegal or unethical behavior on the part of a judge." *Notopoulos* v. *Statewide Grievance Committee*, supra, 230.

The respondent failed to provide any credible objective evidence to support any of his statements. Rather, the respondent's assertions were wholly conclusory and lacking any objective factual support.

Rule 8.4 (3) and (4) - Misconduct

Rule 8.4 of the Rules of Professional Conduct provides in relevant part that "[i]t is professional misconduct for a lawyer to . . . (3) Engage in conduct involving dishonesty, fraud, deceit or misrepresentation . . . [or] (4) Engage in conduct that is prejudicial to the administration of justice . . . ." "Dishonesty is not defined in the Rules of Professional Conduct; we therefore look to the dictionary definition of the word for its common usage. . . . Merriam-Webster's Collegiate Dictionary defines 'dishonesty' as a 'lack of honesty or integrity: disposition to defraud or deceive.' . . . Black's Law Dictionary defines 'dishonest' as 'not involving straightforward dealing; discreditable; underhanded; fraudulent.'" (Citations omitted.) *Cohen* v. *Statewide Grievance Committee*, 339 Conn. 503, 525, 261 A.3d 722 (2021). "It is not unusual for a lawyer who violates rule 3.3 (a) (1) to also violate rule 8.4 (3)."

Id.; see also *Burton* v. *Mottolese*, supra, 267 Conn. 51–52 (holding that trial court reasonably concluded plaintiff violated rule 3.3 [a] [1] and that same conduct supported conclusion that plaintiff violated rule 8.4 [3]).

"An attorney as an officer of the court in the administration of justice, is continually accountable to it for the manner in which he exercises the privilege which has been accorded him." (Internal quotation marks omitted.) *Statewide Grievance Committee* v. *Ganim*, 311 Conn. 430, 452, 87 A.3d 1078 (2014). Attorneys must "conduct themselves in a manner compatible with the role of courts in the administration of justice." (Internal quotation marks omitted.) *Notopoulos* v. *Statewide Grievance Committee*, supra, 277 Conn. 235. "[F]alse statements or statements made in reckless disregard of the truth that disparage a judge erode the public confidence in the judiciary and thereby undermine the administration of justice." Id., 236; see also *Burton* v. *Mottolese*, supra, 267 Conn. 46 ("[F]alse statements by a lawyer can unfairly undermine public confidence in the administration of justice." [Internal quotation marks omitted.]).

"Attorneys have an obligation to act fairly and with candor in *all* of their dealings before the court." (Emphasis in original.) *Cummings Enterprise, Inc.* v. *Moutinho*, 211 Conn. App. 130, 134, 271 A.3d 1040 (2022). "Because the image of a dishonest lawyer is very difficult to erase from the public mind-set, attorneys are expected to be leading citizens who act with candor and honesty at all times." *Statewide Grievance Committee* v. *Fountain*, 56 Conn. App. 375, 377, 743 A.2d 647 (2000).

"Disciplinary proceedings not only concern the rights of the lawyer and the client, but also the rights of the public and the rights of the judiciary to ensure that lawyers uphold their unique position as officers and commissioners of the court." *Cohen* v. *Statewide Grievance*

Committee, supra, 339 Conn. 516; see also *Notopoulos* v. *Statewide Grievance Committee*, supra, 277 Conn. 518.

The court finds that the respondent violated these rules by demonstrating a lack of honesty in his pleadings and testimony before the court and making unsubstantiated allegations of a broad-ranging conspiracy, contrary to his role in the judicial system as an officer of the court and thereby undermining public confidence in the judicial system.

DISCIPLINE/SANCTIONS

Having concluded that the respondent violated the above Rules of Professional Conduct, the court must now determine what sanction to impose. The OCDC urges the court to disbar the respondent. The respondent asserts that the OCDC failed in its proof.

The court has the authority to discipline an attorney for violating the Rules of Professional Conduct. Practice Book § 2-44; *Heslin* v. *Connecticut Law Clinic of Trantolo & Trantolo*, 190 Conn. 510, 523, 461 A.2d 938 (1983) ("The Superior Court possesses inherent authority to regulate attorney conduct and to discipline the members of the bar."). "[A] court is free to determine in each case, as may seem best in light of the entire record before it, whether a sanction is appropriate and, if so, what the sanction should be." *Burton* v. *Mottolese*, supra, 267 Conn. 54.

"An attorney as an officer of the court in the administration of justice, is continually accountable to it for the manner in which he exercises the privilege which has been accorded him. His admission is upon the implied condition that his continued enjoyment of the right conferred is dependent upon him remaining a fit and safe person to exercise it, so that when he, by misconduct in any capacity, discloses that he has become or is an unfit or unsafe person to be entrusted with the responsibilities and obligations of an attorney, his right to continue in

the enjoyment of his professional privilege may and ought to be declared forfeited. . . . 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." (Citation omitted; internal quotation marks omitted.) *Massameno* v. *Statewide Grievance Committee,* 234 Conn. 539, 554-55, 663 A.2d 317 (1995).

Pursuant to Practice Book § 2-47 (a), the court possesses a great deal of discretion as to whether to impose a "reprimand, suspension for a period of time, disbarment or such other discipline as the court deems appropriate." See also *Statewide Grievance Committee* v. *Timbers,* 70 Conn. App. 1, 3, 796 A.2d 565, cert. denied, 261 Conn. 908, 804 A.2d 214 (2002), cert. denied, 537 U.S. 1192, 123 S. Ct. 1274, 154 L. Ed. 2d 1027 (2003). "Thus, [a] court is free to determine in each case, as may seem best in light of the entire record before it, whether a sanction is appropriate and, if so, what the sanction should be." (Internal quotation marks omitted.) *Burton* v. *Mottolese,* supra, 267 Conn. 54. "[T]he power of the courts is left unfettered to act as situations, as they may arise, may seem to require, for efficient discipline of misconduct and the purging of the bar from the taint of unfit membership. Such statutes as ours are not restrictive of the inherent powers which reside in courts to inquire into the conduct of their own officers, and to discipline them for misconduct." (Internal quotation marks omitted.) *Statewide Grievance Committee* v. *Rozbicki,* 211 Conn. 232, 239, 558 A.2d 986 (1989).

"Courts considering sanctions against attorneys measure the defendant's conduct against the rules. Although the rules define misconduct, they do not provide guidance for

determining what sanctions are appropriate. . . . Connecticut courts reviewing attorney misconduct, therefore, have consulted the American Bar Association's Standards for Imposing Lawyer Sanctions [ABA standards]. . . . 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." (Internal quotation marks omitted.) *Disciplinary Counsel* v. *Serafinowicz*, 160 Conn. App. 92, 99, 123 A.3d 1279, cert. denied, 319 Conn. 953, 125 A.3d 531 (2015); see also *Statewide Grievance Committee* v. *Spirer*, 46 Conn. App. 450, 463-64, 699 A.2d 1047 (1997), rev'd on other grounds, 247 Conn. 762, 725 A.2d 948 (1999).

"The [ABA] Standards provide that, after 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 mitigating factors." *Burton* v. *Mottolese*, supra, 267 Conn. 55. Aggravating factors include "(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." (Internal quotation marks omitted.) Id. Mitigating 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., 55-56.

The court now considers these factors:

(1) *The nature of the duty violated.* The respondent violated his duty of honesty as well as his duty as an officer of the court by attacking, without proof, the integrity of the judicial process, judges of the Superior Court, prosecutors, and police. As an experienced attorney, the respondent knows or should know that as a participant in the administration of justice, and officer of the court, he is "continually accountable to it for the manner in which he exercises the privilege which has been accorded him." (Internal quotation marks omitted.) *Statewide Grievance Committee* v. *Ganim*, supra, 311 Conn. 452. "Attorneys have an obligation to act fairly and with candor in *all* of their dealings before the court, which includes factual statements made in open court." (Emphasis in original.) *Cummings Enterprise, Inc.* v. *Moutinho*, supra, 211 Conn. App. 134. "Because the image of a dishonest lawyer is very difficult to erase from the public mind-set, attorneys are expected to be leading citizens who act with candor and honesty at all times." *Statewide Grievance Committee* v. *Fountain*, supra, 56 Conn. App. 377. "As important as it is that an attorney be competent to deal with the oftentimes intricate matters which may be entrusted to him, it is infinitely more so that he be upright and trustworthy." (Internal quotation marks omitted.) *Statewide Grievance Committee* v. *Presnick*, 18 Conn. App. 316, 325, 559 A.2d 220 (1989). "It is paramount that an attorney . . . resolve to be honest at all events; and if [he or she] cannot be an honest lawyer,

[he or she should] resolve to be honest without being a lawyer." (Internal quotation marks omitted.) *Statewide Grievance Committee* v. *Fountain*, supra, 378.

"[A] claim of judicial bias strikes at the very core of judicial integrity and tends to undermine public confidence in the established judiciary. . . . No more elementary statement concerning the judiciary can be made than that the conduct of the trial judge must be characterized by the highest degree of impartiality. If [the judge] departs from this standard, he [or she] casts serious reflection upon the system of which [the judge] is a part." (Citations omitted; internal quotation marks omitted.) *Knock* v. *Knock*, 224 Conn. 776, 792-93, 621 A.2d 267 (1993); see also *Burton* v. *Mottolese*, supra, 267 Conn. 46.

For these reasons, attorneys as officers of the court must be circumspect in their statements about the judiciary, and if they have a claim, they should follow proper channels to address their concerns.[21] Angry that Judges Gold and Droney alerted the OCDC of their concerns, the respondent chose to file defamatory, inappropriate, unsubstantiated and legally unsupported motions asserting false and defamatory harmful claims. Judges Gold and Droney were obliged to address their concerns about the respondent's competency under the rules of judicial conduct to protect the public and the respondent's clients. Although the respondent was within his rights to mount a defense to the petition for inactive status and provide an explanation for his erratic conduct and admitted mental health issues, see infra, such a defense did not include making unsubstantiated attacks the judges and the justice system.[22]

(2) *The respondent's mental state.* In this action, after an examination by a court appointed qualified medical expert, the respondent was determined not to be incapacitated to

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[21] For example, claims of impropriety or judicial bias may be made by lawyers to the Judicial Review Counsel. See General Statutes § 51-51g, et seq.

[22] Similarly, if the respondent believed that the search warrant or its execution at his home were illegal, he had legal avenues to challenge the warrant which he did not exercise.

practice law by reason of mental infirmity or illness or because of drug dependency or addiction to alcohol. Thus, the respondent cannot, and does not, argue that his misconduct was caused by an infirmed mental state. The respondent acted willfully with full knowledge of the circumstances and consequences of his conduct. See, e.g., *Burton* v. *Mottolese,* supra, 267 Conn. 56.

(3) *The potential or actual injury stemming from the attorney's misconduct.* The respondent's conduct caused harm to the public's confidence in the bar, the legal profession and the integrity of the civil justice system. See *Burton* v. *Mottlese*, supra, 267 Conn. 56.

(4) *The existence of aggravating or mitigating factors.* The following aggravating factors are relevant to the court's determination of what discipline to impose:

Prior discipline. The respondent has a disciplinary record which includes a reprimand.

Dishonest or selfish motive. In addition to being dishonest, the respondent's conduct evidenced a selfish and vindictive motive. His false and unsubstantiated claims of affairs and racial conspiracies against him were made in direct response to the OCDC's petition for inactive status, which in turn were based on the judges' referral letter. Rather than responding to the petition for inactive status in a thoughtful and legally meaningful way, he chose instead to retaliate by making false and unsupported defamatory statements aimed at judges and the judicial system, for his own personal benefit and as retribution.

Multiple offenses. The court has found that the respondent's conduct violated numerous sections of the Code of Professional Conduct: Rule 3.1, Rule 3.3, Rule 8.2, and Rule 8.4 (3) and (4).

Submission of false statements or deceptive practices during the disciplinary process. The respondent's conduct in making false and defamatory statements all occurred during the process to determine if the respondent was incapacitated to practice law, and then continued through the trial on the misconduct presentment.

Refusal to acknowledge wrongful nature of his conduct. The respondent has shown no remorse for his conduct and, in fact, has doubled down on his unsupported claims in his post-hearing briefs, repeating his claim and making additional unsubstantiated claims against Judge Gold.

The respondent takes no responsibility for his own actions, which set these events in motion. It was the respondent's client that admittedly discharged a gun in the respondent's residence. That event resulted in a police investigation of a possible crime (illegal discharge of a firearm) that resulted in a search of his home. As the result of the search of his residence, the respondent was understandably shaken and upset by those events. Then began his unsolicited and improper email barrage to the judges, prosecutors, and court staff, which both in number, manner and substance, and by his own admissions, evidenced that the respondent was potentially incapacitated, sleep-deprived, suffering from PTSD and was unable to handle his criminal caseload. The judges properly responded to the respondent's conduct, by meeting with him informally and formally to no avail, leaving them no choice but to seek an investigation by the OCDC to determine the respondent's capacity to represent his clients in view of his admitted mental infirmities. The judges and others did not cause any of these events but merely reacted or responded to the respondent's conduct and admissions concerning his statements about his mental status and inability to handle his cases to protect his clients.

In response to the inactive status petition, the respondent chose a scorched earth defense by attempting to deflect attention from his own conduct and asserting unsubstantiated claims of improper conduct by others. This strategy did not advance his position in the inactive status proceeding but instead resulted in the present disciplinary proceeding.

Although there was some testimony by the respondent that the court thought showed a glimpse of possible remorse, it was short-lived as evidenced by the arguments made in the respondent's post hearing briefs. The respondent's lack of remorse and seemingly inability to take any responsibility for his own conduct is a serious concern to the court.

Substantial experience. The respondent has practiced law in civil and criminal courts for approximately thirty years. He is familiar with the Rules of Professional Conduct and the Practice Book, as well as the Rules of Evidence. Thus, there can be no claim that the respondent's conduct was attributable to inexperience.

The court finds that there was no evidence presented that would support any mitigating factors in this matter.

"Standards 6.1 and 6.12 provide that a suspension generally is appropriate in cases involving conduct that is prejudicial to the administration of justice or that involves dishonesty, fraud, deceit or misrepresentation." *Statewide Grievance Committee* v. *Fountain*, supra, 56 Conn. App. 375. Sanctions for conduct similar to that found here range , from reprimand to disbarment. See *Chief Disciplinary Counsel* v. *Rozbicki*, 326 Conn. 686, 167 A.3d 351 (2017), cert. denied, 138 S. Ct. 2583, 201 L. Ed. 2d 295 (2018) (4-year suspension for violations of rules 3.1, 8.2, and 8.4 [4]); *Notopoulos* v. *Statewide Grievance Committee*, supra, 277 Conn. 218 (reprimand for violations of rules 8.2 [a] and 8.4 [4]); *Burton* v. *Mottolese*, supra, 267 Conn. 1 (five-year disbarment for violations of rules including 3.3, 8.2,

and 8.4 [3] and [4]); *Disciplinary Counsel* v. *Serafinowicz*, supra, 160 Conn. App. 92 (120-day suspension for violations of rules 8.2 and 8.4 [4]); *Chief Disciplinary Counsel* v. *Fetscher*, Superior Court, judicial district of Stamford, Docket No. CV-19-6040003-S (March 25, 2019, *Kavanewsky, J.*) (eight-month suspension for violations of rules 8.2 [a] and 8.4 [4]).

Based on all the forgoing factors, the court finds that the respondent's conduct was prejudicial to the administration of justice and involved dishonesty or misrepresentation thereby justifying a substantial period of suspension.

CONCLUSION

Based on the foregoing findings, conclusions, and consideration of all the factors and legal precedent, the court orders as follows as to all violations:

1. The respondent is suspended for a period of two (2) years effective thirty (30) days from the date this decision is filed.
2. Upon the effective date of the suspension, the OCDC shall notify the chief clerks of all judicial districts and Probate Court administration of the respondent's suspension.
3. Within ten days of this decision, the parties shall provide the court with the names addresses and juris numbers of attorneys who could serve as trustee in this matter, pursuant to Practice Book § 2-64.
4. The respondent shall not deposit to, disburse any funds from, withdraw any funds from or transfer any funds from any client's funds, IOLTA or fiduciary accounts during the period of his suspension.
5. The respondent shall comply with Practice Book § 2-47B (Restrictions on the Activities of Deactivated Attorneys).

6. The respondent shall cooperate with the Trustee in all respects.

7. The respondent's failure to comply with this order shall be considered misconduct and may subject the respondent to additional discipline.

8. Any application for reinstatement shall be made pursuant to the provisions of Practice Book § 2-53.

So ordered.

Cobb, J.