

RESNICK

STATE OF CONNECTICUT

SUMMARY OF P.B. SECTION 2-29(e)(1) INVESTIGATION

Middlesex Judicial District Grievance Panel

TO: Statewide Bar Counsel, 287 Main St., 2nd Floor - #2, East Hartford, CT 06118-1885


IN RE: Attorney Barbara J. Resnick, Juris #410348, 4 Post Office Square, P.O. Box 2, Cinton, CT 06413

Summary: In late 2009 the United Public Service Employees Union (UPSUE) began to attempt replace The Waterford Police's collective bargaining union, The Connecticut Council of Police Unions American Federation of State County and Municipal Employees (AFSCME – or "Council 15"). UPSUE represented to the Waterford Police that if they joined their union, Attorney Resnick ("R") would be assigned to represent them. At this time R was not an attorney in good standing, her Connecticut license having been administratively suspended for failure to pay the client security fund fee. R did not remedy this by paying the past due client security fund fee until after the 2/16/2010 vote to determine the Waterford Police's collective bargaining representative. Attorney Richard Gudis, who is the staff attorney for Council 15 indicates that UPSUE misrepresented R's status as an attorney. Attorney Gudis does not claim that R made such a claim herself.

R was admitted to the Connecticut Bar in 1994, and the New York Bar in 1995. From 1995 to 2007 R lived and practiced only in New York. When R returned to Connecticut in 2007 she was on maternity leave from 2007 until the end of January, 2010. During her maternity leave (two children were born to her during this period) she neglected to send in her client Security Fund fees. Upon her return to the work force she paid the fees due and was reinstated. R attended some meetings with members of the Waterford Police and was introduced as one of UPSUE's attorneys who had come from New York – and that she had worked with the NYPD. No representation was ever made by anyone as to her status as an attorney in Connecticut – either as being active or inactive.

Council 15 has attempted to have a new election called – claiming that had the members of the Waterford Police Department known that R's status as a Connecticut attorney was "inactive" they would not have voted as they did.

ACTION TAKEN BY THE PANEL: The Panel determined that no complaint should be filed. There is no claim that R provided legal services as an attorney in Connecticut during the time her status was inactive. The Panel concludes that R did not engage in the practice of law in Connecticut during the time her status was inactive. The Panel further finds that R did not make any representations as to her status as an Attorney in Connecticut. The Panel notes that had her inactive status been communicated to the WPD membership, at the same time it would have been explained that by simply paying the nominal past due fees she would be reinstated to active status. The Panel finds no misrepresentation and no attempt to deceive.

 Gregory A. Benoit, Panel Counsel DATE: 5/21/10