

In the Matter of Thomas F. Cotroneo.

No. 2018-225-M.P.

ORDER

This matter is before the Court pursuant to a motion filed by this Court's Disciplinary Counsel on October 5, 2018, to adjudge the respondent, Thomas F. Cotroneo, in contempt of court, and to suspend him from the practice of law on an interim basis. The respondent was notified that the motion would be presented to this Court at its conference on November 15, 2018. The respondent did not file an objection to the motion and failed to appear for the conference. Having reviewed the motion and the representations of Disciplinary Counsel, we deem that the motion should be granted.

The facts giving rise to this matter are as follows. On June 8, 2018, Disciplinary Counsel received a complaint alleging that respondent had settled personal injury claims on behalf of clients, withheld funds from his clients' settlements to pay medical bills, and failed to remit those payments on the clients' behalf. A copy of that complaint was forwarded to respondent on June 13, 2018, directing him to file a written response to the complaint on or before July 3, 2018. The respondent failed to comply. On July 12, 2018, a second notice was sent by Disciplinary Counsel to respondent, via certified mail, directing him to file a response on or before July 23, 2018. That certified mail was received by respondent on July 19, 2018. The respondent did not file a response after receipt of that correspondence.

On August 9, 2018, Disciplinary Counsel filed a petition with this Court pursuant to Article III, Rule 6(e) of the Supreme Court Rules of Disciplinary Procedure for Attorneys, requesting that we enter an order compelling respondent to file his answer or be suspended from

the practice of law. On August 27, 2018, prior to the petition being heard, respondent filed a belated response to the disciplinary complaint that failed to address the issues raised in the complaint or to account for the funds respondent had received on behalf of his clients.

On September 13, 2018, at the request of Disciplinary Counsel, the Clerk of the Supreme Court issued a subpoena to respondent directing him to appear at the Office of Disciplinary Counsel on October 4, 2018, to answer questions regarding the complaint and to provide his financial records relating to the clients at issue. The respondent was served with that subpoena on September 21, 2018. He failed to appear at the Office of Disciplinary Counsel or to provide the subpoenaed records.

We do not hesitate to find that the respondent is in contempt. He has flagrantly disregarded his obligation to respond to a lawful request for information from Disciplinary Counsel, in violation of Article V, Rule 8.1 of the Supreme Court Rules of Professional Conduct, and has refused to comply with a duly-authorized subpoena issued by the Clerk of this Court. Accordingly, it is hereby ordered, adjudged, and decreed that the respondent, Thomas F. Cotroneo, is hereby suspended from engaging in the practice of law in this state, effective immediately, until further order of this Court.

Entered as an Order of this Court this 16th Day of November, 2018.

By Order,

/s/
Clerk

SUPREME COURT – CLERK’S OFFICE

ORDER COVER SHEET

Title of Case	In the Matter of Thomas F. Cotroneo.
Case Number	No. 2018-225-M.P.
Date Order Filed	November 16, 2018
Justices	Suttell, C.J., Goldberg, Flaherty, Robinson, and Indeglia, JJ.
Source of Appeal	N/A
Judicial Officer From Lower Court	N/A
Attorney(s) on Appeal	For Petitioner: David D. Curtin, Esq. Chief Disciplinary Counsel
	For Respondent: Thomas F. Cotroneo, Pro Se