

STATEWIDE GRIEVANCE COMMITTEE

Michelle Lynn Kreder
Complainant

:

vs.

:

Grievance Complaint #07-0588

Jarvis White
Respondent

:

DECISION

Pursuant to Practice Book §2-35, the undersigned, duly-appointed reviewing committee of the Statewide Grievance Committee, conducted a hearing at the Superior Court, 80 Washington Street, Hartford, Connecticut on November 1, 2007. The hearing addressed the record of the complaint filed on June 22, 2007, and the probable cause determination filed by the Middlesex Judicial District Grievance Panel on September 5, 2007, finding that there existed probable cause that the Respondent violated Rules 1.1, 1.2(a), 1.3, and 1.4(a) and (b) of the Rules of Professional Conduct and Practice Book §2-32(a)(1).

Notice of the hearing was mailed to the Complainant, to the Office of the Chief Disciplinary Counsel, and to the Respondent on September 28, 2007. Pursuant to Practice Book §2-35(d), Assistant Disciplinary Counsel Patricia King pursued the matter before this reviewing committee. The Complainant appeared at the hearing and testified. The Respondent did not appear. No exhibits were received into evidence at the hearing.

This reviewing committee makes the following findings of fact by clear and convincing evidence:

On November 30, 2006, the Complainant retained the Respondent to represent her in connection with her motion for modification to increase her family support. The Complainant paid the Respondent a \$250 retainer. Thereafter, the Complainant's motion was scheduled to be heard in the Superior Court on June 5, 2007. The Respondent did not appear in court on June 5, 2007 to represent the Complainant. Because the Respondent did not appear in court on June 5, 2007, the Complainant represented herself. Thereafter, the Court reduced her support. The Complainant's telephone calls to the Respondent on June 5, 2007 and thereafter were not returned. The Respondent did not file an answer to this grievance complaint.

This reviewing committee finds the following violations of the Rules of Professional Conduct and the Practice Book by clear and convincing evidence:

The Respondent's failure to appear in the Superior Court on the Complainant's behalf on June 5, 2007 violated Rules 1.1, 1.2(a), and 1.3 of the Rules of Professional Conduct. The Respondent's representation of the Complainant lacked the thoroughness and preparation reasonably necessary to represent the Complainant in her motion for modification. By not appearing in court on June 5, 2007, the Respondent failed to take the actions necessary to carry out the representation. The Respondent's representation of the Complainant clearly lacked reasonable diligence. The Respondent's failure to return the Complainant's telephone calls violated his duty to respond to her reasonable requests for information in violation of Rule 1.4(a) and (b) of the Rules of Professional Conduct. Furthermore, the Respondent's failure to file a response to this grievance complaint constituted a violation of Practice Book §2-32(a)(1).

Accordingly, this reviewing committee directs the Disciplinary Counsel to file a presentment against the Respondent in the Superior Court for the imposition of whatever discipline the Court deems appropriate.

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Attorney Tracie Molinaro

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Attorney John C. Matulis

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Mr. Malcolm Forbes