

STATE OF CONNECTICUT



Michael P. Bowler
Statewide Bar Counsel

Christopher L. Slack
First Assistant Bar Counsel

Tel: (860) 568-5157
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STATEWIDE GRIEVANCE COMMITTEE

www.jud.ct.gov/sgc/
Second Floor - Suite Two
287 Main Street, East Hartford, Connecticut 06118-1885

05/30/2008

OFFICE OF CHIEF DISCIPLINARY C
100 WASHINGTON STREET
HARTFORD CT 06106

DONALD F SNOW JR
SNOW & ASSOCS, LLC
869 BOSTON POST ROAD
SUITE 201
MADISON CT 06443

RE: GRIEVANCE COMPLAINT #07-0612
STIVACHTIS vs. SNOW

Dear Respondent and Disciplinary Counsel:

Enclosed herewith is the decision of the reviewing committee of the Statewide Grievance Committee concerning the above referenced matter. In accordance with the Practice Book Sections 2-35, 2-36 and 2-38(a), the Respondent may, within thirty (30) days of the date of this notice, submit to the Statewide Grievance Committee a request for review of the decision.

A request for review must be sent to the Statewide Grievance Committee at the address listed above.

Sincerely,

Michael P. Bowler

Encl.

cc: Attorney John H. Welch Jr
CLENDENEN & SHEA LLC
Constantinos Stivachtis

**NOTICE REGARDING DECISION
- REPRIMAND -**

GRIEVANCE COMPLAINT # 07-062

THE ATTACHED DECISION IS PRESENTLY STAYED IN ACCORDANCE WITH PRACTICE BOOK §§2-35 AND 2-38.

SECTION 2-35 STATES, IN PART, AS FOLLOWS:

(e) ... Enforcement of the final decision ... shall be stayed for thirty days from the date of the issuance to the parties of the final decision. In the event the respondent timely submits to the statewide grievance committee a request for review of the final decision of the reviewing committee, such stay shall remain in full force and effect pursuant to Section 2-38(b).

SECTION 2-38 STATES, IN PART, AS FOLLOWS:

(b) ... Enforcement of a decision by a reviewing committee reprimanding the respondent ... shall be stayed for thirty days from the issuance to the parties of the final decision of the reviewing committee pursuant to Section 2-35(g). If within that period the respondent files with the statewide grievance committee a request for review of the reviewing committee's decision, the stay shall remain in effect for thirty days from the issuance by the statewide grievance committee of its final decision pursuant to Section 2-36. If the respondent timely commences an appeal [of the reprimand to the Superior Court] pursuant to subsection (a) of this section, such stay shall remain in full force and effect until the conclusion of all proceedings, including all appeals, relating to the decision reprimanding the respondent. If at the conclusion of all proceedings, the decision reprimanding the respondent is rescinded, the complaint shall be considered dismissed as of the date of the reprimand decision for all purposes....

DECISION DATE: 5/30/08



STATE OF CONNECTICUT
JUDICIAL BRANCH

STATEWIDE GRIEVANCE COMMITTEE

Michael P. Bowler, *Statewide Bar Counsel*

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Second Floor – Suite Two
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Attorney Patricia King
Assistant Disciplinary Counsel
100 Washington Street
Hartford, CT 06106

Attorney Donald F. Snow, Jr.
Snow & Associates, LLC
869 Boston Post Road, Suite 201
Madison, CT 06443

RE: Grievance Complaint #07-0612, Stivachtis v. Snow

Dear Assistant Disciplinary Counsel and Respondent:

Pursuant to Practice Book §2-82(b), the undersigned, duly-appointed reviewing committee of the Statewide Grievance Committee, has reviewed the *Conditional Admission and Agreement as to Disposition* (hereinafter “*Agreement*”) filed April 10, 2008 and submitted for approval in the above referenced matter. After careful consideration of the *Agreement*, the *Affidavit* of the Respondent submitted pursuant to Practice Book §2-82(d) and the entire record of the complaint, and after conducting hearings pursuant to Practice Book §2-82(b) on April 10, 2008, the undersigned hereby APPROVE the *Agreement*, a copy of which is attached hereto together with the *Affidavit* of the Respondent. Accordingly, the disposition agreed to by the Assistant Disciplinary Counsel and the Respondent in the above referenced matter and set forth in the *Agreement* is hereby made an order of this reviewing committee. Specifically:

1. The Respondent is hereby reprimanded.
2. The Respondent is hereby ordered to attend in-person and at his own expense a continuing legal education (“CLE”) course in professional ethics or professional responsibility. The CLE course is to consist of a minimum of three credit hours, and is to be taken within six months of the issuance of this decision.
3. The Respondent is hereby ordered to submit the issue of the reasonableness of his fee to the Connecticut Bar Association fee arbitration service within forty-five days of this decision. If a party refuses to use the no cost fee arbitration service provided by the Connecticut Bar Association, then the party shall pay the cost of arbitration.

4. Pursuant to Practice Book §2-37(a)(8), the Respondent has agreed to undertake treatment by attending one meeting per week at the Lawyers Concerned for Lawyers' office and provide written verification of his attendance on a monthly basis for six months. This condition is so ordered.
5. The Respondent is further ordered to provide the Statewide Grievance Committee with written confirmation of his compliance with each of these conditions within forty five days of completion of the condition.

So ordered.

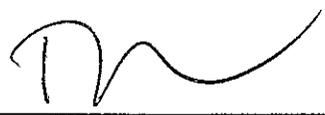
cc: Attorney John H. Welch, Jr.
Constantinos and Rita Stivachtis

(D)
EMR

DECISION DATE: 5/30/08



Attorney Geoffrey Naab



Attorney Tracie Molinaro

Grievance Complaint #07-0612

Decision

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Dr. Frank Regan

STATEWIDE GRIEVANCE COMMITTEE
GRIEVANCE COMPLAINT # 07-0612

CONSTANTINOS STIVACHTIS
Complainant
vs.

DONALD SNOW JR.
Respondent

CONDITIONAL ADMISSION AND AGREEMENT AS TO DISPOSITION

Pursuant to Practice Book § 2-82, the undersigned Respondent and Disciplinary Counsel stipulate and agree as follows:

1. This matter was instituted by grievance complaint filed by the Complainant on June 27, 2007.
2. On September 12, 2007 the grievance panel for the G.A. 7 found probable cause that the Respondent violated Rules 1.3 Diligence 1.4 Communication, 1.8(a) Conflict of Interest, and Rule 8.1(2) and Practice Book § 2-32 (a)(1) Failure to Answer the grievance complaint, with regard to his representation of the Complainant in various matters related to the Complainant's restaurant and the sale thereof.
3. The Respondent represented the Complainant in various matters relating to a restaurant owned by the Complainant and his wife, beginning sometime after June, 2004. The Respondent did not provide the Complainant with a written fee agreement.
4. The Respondent made two personal loans to the Complainant after his business was beset by financial problems. The first loan was in the amount of \$50,000.00 funded by a withdrawal from the Respondent's 401K on January 26, 2006. As to that loan, the Respondent prepared a promissory note for the Complainant to sign, but did not prepare any written disclosure or obtain informed consent as required by Rule 1.8.
5. The Respondent made a second loan to the Complainant on August 24, 2006 in the amount of \$25,000.00 also funded by a withdrawal from his 401K, but did not prepare a promissory note or other written disclosure as required by the Rule 1.8 of the Rules of Professional Conduct.

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6. The Respondent used the proceeds of the second loan to reinstate the Complainant's mortgage on the business property, which was then in foreclosure.
7. The Complainant sold the restaurant on January 18, 2007 for approximately \$1,600,000.00. The Respondent represented the Complainant at the closing.
8. After the closing the Respondent paid off the mortgage and expenses related to the property, and paid himself the amount due on the two loans described above, interest on the first loan, and attorneys' fees claimed to be due from the representation of the Complainant in various other matters.
9. The Respondent prepared two different closing statements for the Complainant immediately following the closing, both showing substantial funds payable to the Complainant as net proceeds from the sale.
10. However, the Respondent did not disburse any funds to the Complainant until a week after the closing, and only rendered a final accounting and disbursed the last of the net proceeds to the Complainant until April 12, 2007, after he had to retain other counsel to assist him in this endeavor.
11. Disciplinary Counsel has reviewed the Respondent's bank records and is satisfied that the Respondent did not misappropriate the Complainant's funds before disbursing the full balance due from the closing proceeds.
12. During the representation, the Respondent periodically withdrew amounts from the Complainant's funds held in his clients' funds account to pay himself and his firm for services rendered without preparing a bill or providing an accounting for said services. Respondent charged a total of \$49,600.00 for services rendered to the Complainant without providing any time records or other accounting of the services rendered until April 2007 when the final accounting was provided to the Complainant's new attorney.
13. The Respondent enjoyed the benefit of food and drink without charge at the Complainant's restaurant during the period of the representation. The Respondent apparently did not credit the value of this benefit in his calculation of the final bill.
14. The Respondent acknowledges that his conduct violation Rules 1.5(b) and 1.8(a) and 1.15 as set forth in the Affidavit filed herewith.
15. The Respondent admits that he violated Rule 1.5(b) of the Rules of professional Conduct in that he failed to provide the Complainant with a written fee agreement.

16. The Respondent admits that he violated Rule 1.8(a) in that he entered into a business transaction with the Complainant without obtaining informed consent or advising the Complainant that he should obtain the advice of independent counsel before entering into the transaction.
17. The Respondent further admits that he violated Rule 1.15 in that he failed to provide the Complainant with a prompt accounting of the funds from the proceeds of the closing.
18. The Respondent agrees to comply with the following conditions within six months after the date of approval of this Conditional Admission and Agreement as to Disposition, and to provide Disciplinary Counsel with written notice of his completion of the condition within 10 days.
19. The Respondent agrees to personally attend one continuing education courses, a minimum of 3 hours, in legal ethics. On line courses do not satisfy this requirement.
20. The Respondent agrees to submit the issue of the reasonableness of his fee to the Connecticut Bar Association fee arbitration service within 45 days of the approval of this agreement. The Respondent further agrees to cooperate with the fee arbitration process and to abide by the arbitrators decision.
21. The Respondent agrees to attend at least one meeting per week at the Lawyers Concerned for Lawyers (LCL) in its office in Rocky Hill, Connecticut, and that he will provide written verification of his attendance on a monthly basis for six months after the approval of this agreement.
22. The Respondent agrees to use his best efforts to obtain a copy of the Complainant's personal injury file, which is currently in the possession of Attorney William Nulsen, who formerly had a professional association with his firm. Respondent represents that to the best of his knowledge, Attorney Nulsen handled the claim, that the insurance company check for the settlement amount was turned signed over to the Complainant, and that neither the Respondent nor his firm took any fees from the settlement proceeds.
23. The Respondent agrees to provide written notification to the Statewide Grievance Committee of his compliance with these conditions within 45 days of completion of the condition.
24. Disciplinary Counsel has agreed to recommend to the Statewide Grievance Committee that the matter be resolved by the imposition of a reprimand in addition to the foregoing conditions, to be monitored by the Statewide

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Grievance Committee. The Respondent understands that the foregoing constitutes imposition of discipline pursuant to Practice Book § 2-37(a).

25. If the Respondent fails to comply with the foregoing conditions, he will be exposed to the filing of another grievance complaint by the Disciplinary Counsel based upon his failure to comply with the terms of this agreement.

26. A copy of this agreement and affidavit have been provided to the Complainant, who may wish to be heard.

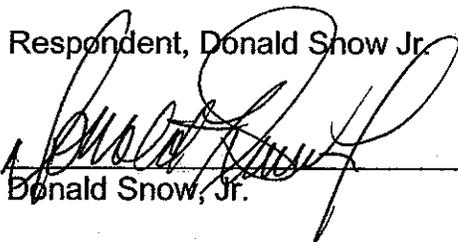
WHEREFORE, this matter is submitted to the Statewide Grievance Committee for its approval in accordance with Practice Book § 2-82 (b).

Office of Disciplinary Counsel,

4/10/08
Date


By: Patricia King
Assistant Disciplinary Counsel

4/10/08
Date

Respondent, Donald Snow Jr.

Donald Snow, Jr.

Respondent, Donald Snow Jr.

4/10/08
Date


By: William Clendenen, his attorney

AFFIDAVIT

STATE OF CONNECTICUT)

ss.

COUNTY OF NEW HAVEN)

I am over the age of 18 and believe in the obligation of an oath. Pursuant to Practice Book §2-82, I make the following affidavit:

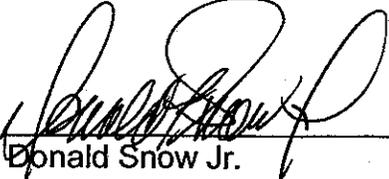
1. The Conditional Admission attached hereto and made a part hereof is voluntarily submitted.
2. I hereby consent to the form of disposition set forth in the attached Conditional Admission.
3. I am aware that I have a right to a full evidentiary hearing on this matter and I waive that right under the conditions set forth in the Conditional Admission and Agreement as to Disposition by entering into this agreement.
4. I have been neither subject to coercion nor duress and I am fully aware of the implications of this Affidavit and Conditional Admission.
5. I am represented by counsel in this matter.
6. I am aware of the current proceeding regarding my alleged violation of Rules 1.3 Diligence 1.4 Communication, 1.8(a) Conflict of Interest, and Rule 8.1(2) and Practice Book § 2-32 (a)(1) Failure to Answer the grievance complaint, with regard to my representation of the Complainant in various matters related to the Complainant's restaurant and the sale thereof.
7. I admit that there exists probable cause that I violated Rule 1.5(b), and that I did violate Rule 1.5(b) of the Rules of Professional Conduct in that I failed to provide the Complainant with a written fee agreement.
8. I admit that I violated Rule 1.8(a) in that I entered into a business transaction with the Complainant without obtaining informed consent or advising the Complainant that he should obtain the advice of independent counsel before entering into the transaction.

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9. I further admit that I violated Rule 1.15 in that I failed to provide the Complainant with a prompt accounting of the funds from the proceeds of the closing.
10. I agree to comply with the following conditions within six months after the date of approval of this Conditional Admission and Agreement as to Disposition, and to provide the Statewide Bar Counsel with written notice of completion of the condition within 45 days of completion of the condition.
11. I agree to personally attend one continuing education course, a minimum of 3 hours, in legal ethics. I understand that on-line courses do not satisfy this requirement.
12. I agree to submit the issue of the reasonableness of my fee to the Connecticut Bar Association fee arbitration service within 45 days of the approval of this agreement. I further agree to cooperate with the fee arbitration process and to abide by the arbitrators decision.
13. I agree to attend at least one meeting per week at the Lawyers Concerned for Lawyers (LCL) in its office in Rocky Hill, Connecticut, and that I will provide written verification of my attendance on a monthly basis for six months after the approval of this agreement.
14. I agree to use my best efforts to obtain a copy of the Complainant's personal injury file, which is currently in the possession of his ~~former partner~~, Attorney William Nulsen. I represent that to the best of my knowledge, Attorney Nulsen handled the claim, that the insurance company check for the settlement amount was turned signed over to the Complainant, and that neither I nor my firm took any fees from the settlement proceeds. 
15. Disciplinary Counsel has agreed to recommend to the Statewide Grievance Committee that the matter be resolved by the imposition of a reprimand in addition to the foregoing conditions, to be monitored by the Statewide Grievance Committee. I understand that the foregoing constitutes imposition of discipline pursuant to Practice Book § 2-37(a).
16. I understand that if I fail to comply with the foregoing conditions, I will be exposed to the filing of another grievance complaint by the Disciplinary Counsel

based upon my failure to comply with the terms of this agreement.

17. The foregoing is true and accurate to the best of my knowledge and belief.


Donald Snow Jr.

Subscribed and sworn to before me
this 10 day of April, 2008.


Notary Public / Commissioner of the Superior Court