

## STATEWIDE GRIEVANCE COMMITTEE

Phillip M. French  
Complainant

:

vs.

:

Grievance Complaint #08-0250

John J. Evans  
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, 1061 Main Street, Bridgeport, Connecticut on February 4, 2009. The hearing addressed the record of the complaint filed on March 18, 2008, and the probable cause determination filed by the Stamford/Norwalk Judicial District Grievance Panel on June 19, 2008, finding that there existed probable cause that the Respondent violated Rules 1.1, 1.3 and 8.4(4) of the Rules of Professional Conduct.

Notice of the hearing was mailed to the Complainant, to the Respondent and to the Office of the Chief Disciplinary Counsel on January 5, 2009. Pursuant to Practice Book §2-35(d), First Assistant Disciplinary Counsel Patricia A. 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:

In September of 2001, Albert Apollon of Stamford, Connecticut, retained the Respondent to represent him in a personal injury matter. From 2001 through 2004, the Respondent informed Mr. Apollon that progress was being made. In October of 2004, the Respondent advised Mr. Apollon that his case could be settled for \$3,000. At that time, Mr. Apollon sought an opinion on the settlement offer from the Complainant who is an attorney in Stamford, Connecticut. The Complainant discovered that no negotiations had been commenced, no suit had been filed and that a statute of limitations defense had arisen. The Complainant submitted Mr. Apollon's case to a CTLA case evaluation program which assessed the value of his case at \$25,983.70. The Respondent refused to pay Mr. Apollon. The Complainant initiated suit against the Respondent on behalf of Mr. Apollon and his wife. On April 26, 2006, default judgment entered against the Respondent totaling \$42,000. The Respondent has paid only \$1,500 towards the judgment.

Grievance Complaint #08-0250

Decision

Page 2

This reviewing committee finds the following violations by clear and convincing evidence:

The Respondent's failure to provide Mr. Apollon with competent and diligent legal services in connection with his personal injury matter constituted violations of Rules 1.1 and 1.3 of the Rules of Professional Conduct. The Respondent failed to negotiate on Mr. Apollon's behalf and failed to file an action before the statute of limitations had run.

The Respondent's representations to Mr. Apollon that progress was being made and his failure to satisfy the judgment against him constituted violations of Rule 8.4(4) of the Rules of Professional Conduct.

Accordingly, this reviewing committee directs the Disciplinary Counsel to file a presentment against the Respondent in the Superior Court.

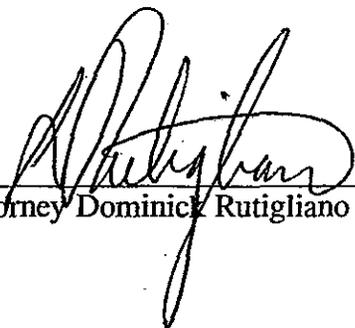
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DECISION DATE: 6/5/09

Grievance Complaint #08-0250

Decision

Page 3



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Attorney Dominick Rutigliano

Grievance Complaint #08-0250  
Decision  
Page 4



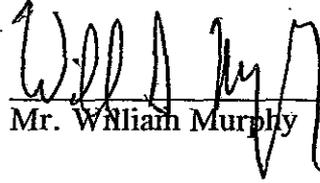
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Attorney Margarita Moore

Grievance Complaint #08-0250

Decision

Page 5



Mr. William Murphy