

STATEWIDE GRIEVANCE COMMITTEE

Michael P. Bowler, Statewide Bar Counsel  
Complainant

vs.

Grievance Complaint #08-0920

Marie N. Jean  
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, 235 Church Street, New Haven, Connecticut on April 1, 2009. The hearing addressed the record of the complaint filed on September 23, 2008, and the probable cause determination filed by the Stamford/Norwalk Judicial District Grievance Panel on January 28, 2009, finding that there existed probable cause that the Respondent violated Rules 1.15(b) and 8.1(2) of the Rules of Professional Conduct and Practice Book §2-32(a)(1).

Notice of the hearing was mailed to the Complainant, to the Respondent and to the Office of the Chief Disciplinary Counsel on March 5, 2009. Pursuant to Practice Book §2-35(d), Assistant Disciplinary Counsel Karyl L. Carrasquilla pursued the matter before this reviewing committee. The Respondent did not appear at the hearing. No exhibits were received into evidence at the hearing.

Reviewing committee member Mr. William Carroll was not available for the hearing. Disciplinary Counsel waived the participation of Mr. Carroll in this matter. Accordingly, this matter was heard and decided by the undersigned.

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

On May 1, 2008, the Respondent wrote check #1095 from her IOLTA account payable to USCIS in the amount of \$455. The check was presented to Webster Bank for payment on May 30, 2008 against insufficient funds. On June 13, 2008 and June 25, 2008, the Complainant wrote to the Respondent requesting a written explanation of the overdraft. On July 9, 2008, the Respondent filed a written explanation of the overdraft with the Statewide Grievance Committee. On July 15, 2008, First Assistant Bar Counsel Frances Mickelson-Dera wrote to the Respondent requesting additional information regarding the overdraft. The

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Respondent did not reply to Attorney Frances Mickelson-Dera's request for additional information. 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 protect her clients' funds, as evidenced by the return of check #1095 from her IOLTA account, constituted a violation of Rule 1.15(b) of the Rules of Professional Conduct. The Respondent's failure to respond to Attorney Frances Mickelson-Dera's request for further information regarding the overdraft constituted a violation of Rule 8.1(2) of the Rules of Professional Conduct. The Respondent's failure to file an answer to this grievance complaint constituted a violation of Practice Book §2-32(a)(1)

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

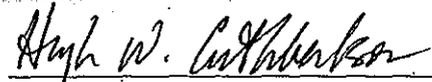
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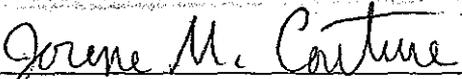
A handwritten signature in cursive script, appearing to read "Hugh W. Cuthbertson".

Attorney Hugh W. Cuthbertson

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Attorney Jorene M. Couture