

STATE OF CONNECTICUT



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STATEWIDE GRIEVANCE COMMITTEE

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06/13/2011

OFFICE OF CHIEF DISCIPLINARY C
100 WASHINGTON STREET
HARTFORD CT 06106

BARRY JACOBS
19 HUBER AVE.
MERIDEN CT 06450

RE: GRIEVANCE COMPLAINT #10-0988
BARKER vs. JACOBS

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 J A. Rebollo
Michael Barker

**NOTICE REGARDING DECISION
- PRESENTMENT -**

GRIEVANCE COMPLAINT # 10-0988

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

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).

Note: This stay terminates upon the issuance of a final decision by the Statewide Grievance Committee.

DECISION DATE: 6/13/11

STATEWIDE GRIEVANCE COMMITTEE

Michael Barker :
Complainant :
vs. : Grievance Complaint #10-0988
Barry Jacobs :
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 May 12, 2011. The hearing addressed the record of the complaint filed on December 6, 2010, and the probable cause determination rendered by the New Haven Judicial District Grievance Panel for Geographical Area 7 and the towns of Branford, East Haven, Guilford, Madison and North Branford on March 14, 2011, finding that there existed probable cause that the Respondent violated Rules 5.5(b)(2) and 8.4(4) of the Rules of Professional Conduct.

Notice of the May 12, 2011 hearing was mailed to the Complainant, to the Respondent and to the Office of the Chief Disciplinary Counsel on March 31, 2011. The Complainant appeared and testified. The Respondent did not appear. No exhibits were admitted into evidence.

Reviewing committee member Mr. Patrick Sheridan was not available for the May 12, 2011 hearing. Assistant Disciplinary Counsel waived the participation of Mr. Sheridan in this matter and agreed to have the undersigned render this decision.

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

We take judicial and administrative notice of the fact that the Respondent was suspended from the practice of law on September 7, 2004. He is not eligible to apply for reinstatement to the practice of law unless he takes and passes the multistate professional responsibility exam. He has also been administratively suspended three times for failure to pay the Client Security Fund fee.

The Complainant's father and the Respondent's father were best friends and business partners in a venture, Adams Enterprises, to lease commercial real estate at 300 Research Parkway in Meriden, Connecticut. The Complainant and Respondent are beneficiaries of this partnership, although the funds are disbursed into the estates or trusts of the original partners rather than directly. For years, the Complainant handled the maintenance and managerial responsibilities to the building and the tenants. The Respondent and his brother Attorney Stephen Jacobs became unhappy with the Complainant's management of the property. They

began to request extensive accountings and eventually insisted they would take over the management of the property. They had a meeting with the Complainant at Attorney Stephen Jacob's law firm and told him they would pursue the matter and file lawsuits, if he objected. The Respondent has office space at the law firm.

The business dispute arose, in part, when the Complainant reimbursed himself \$35,000 for a loan he had provided the partnership. The Respondent wrote a letter to the Complainant threatening criminal prosecution and stating, "Your actions are so repugnant to us, that I want you to know [Attorney Stephen Jacobs] and I will not rest until you answer for what you have done to this asset. Sleep well now, for you will have plenty to worry about as this unfolds."

The Respondent wrote numerous letters to the Complainant on the letterhead of Attorney Stephen Jacobs' law firm. The letterhead indicates the firm is the "Law Offices of Jacobs & Jacobs, P.C.". Attorney Stephen Jacobs is the only active licensed attorney working for the firm.

The Respondent sent a letter to the tenants of 300 Research Parkway on the letterhead of the Law Offices of Jacobs & Jacobs informing the tenants that they should immediately pay the law firm the rent rather than the Complainant. One tenant complied and sent a rent check for \$3500. The Respondent cashed the \$3500 check sent to the law firm of Jacobs & Jacobs in trust for the partnership, Adams Enterprises. The Respondent and Attorney Stephen Jacobs have refused to provide an accounting of those funds to the Complainant.

The reviewing committee also considered the following:

The Complainant testified that the Respondent sent an inflated bill to the partnership for work performed by a third party contractor. The Complainant also testified that the Respondent sent maintenance bills that included a charge for sales tax for fifteen months without forwarding those funds to the Department of Revenue Services.

We find clear and convincing evidence that the Respondent engaged in the unauthorized practice of law in violation of Rule 5.5 of the Rules of Professional Conduct. The Respondent sent letters to the Complainant and tenants on law firm letterhead claiming to act on behalf of the Jacobs family, the Law Offices of Jacobs & Jacobs and Adam Enterprises. The law firm letterhead indicates the law firm is Jacobs & Jacobs. The Respondent is not licensed to practice law, although his name is part of the law firm's name. The Respondent cashed a check that was mailed to the law firm by a tenant. The Respondent has office space at the law firm of Jacobs & Jacobs and has access to the law firm's letterhead and mail. There is clear and convincing evidence that he is holding himself out to the public as an attorney at the law firm of Jacobs & Jacobs, in violation of Rule 5.5(b)(2) of the Rules of Professional Conduct. This conduct is also prejudicial to the administration of justice in violation of Rule 8.4(4) of the Rules of Professional Conduct.

Assistant Disciplinary Counsel requested additional charges be found that Respondent violated Rule 8.1 of the Rules of Professional Conduct and Practice Book §2-32 because the

Grievance Complaint #10-0988

Decision

Page 3

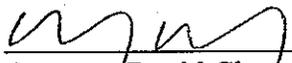
Respondent failed to attend the hearing on this matter. Assistant Disciplinary Counsel did not subpoena the Respondent to attend the hearing. The Respondent did answer the grievance complaint. We deny the request.

Since we conclude that the Respondent violated Rules 5.5 and 8.4(4) of the Rules of Professional Conduct, we direct the Disciplinary Counsel to file a presentment against the Respondent in the Superior Court for the imposition of whatever discipline the court deems appropriate.

(D)
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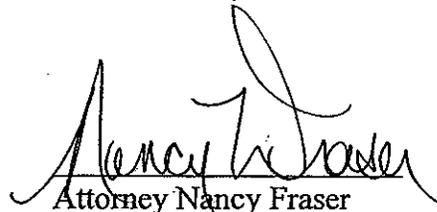
DECISION DATE: 6/13/11

Grievance Complaint #10-0988
Decision
Page 4



Attorney David Channing

Grievance Complaint #10-0988
Decision
Page 5



Attorney Nancy Fraser