



STATE OF CONNECTICUT
JUDICIAL BRANCH

STATEWIDE GRIEVANCE COMMITTEE

Michael P. Bowler, *Statewide Bar Counsel*

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East Hartford, CT 06118-1885
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Attorney Frank P. Blando
Assistant Disciplinary Counsel
100 Washington Street
Hartford, CT 06106

Attorney James F. McKenna
Allan Barry & Associates, LLC
Five Shelter Rock Road
Danbury, CT 06810

RE: Grievance Complaint #05-0225C, Sommerer v. McKenna

Dear 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 Discipline* (hereinafter “*Conditional Admission*”) filed August 26, 2005 and submitted for approval in the above referenced matter. After careful consideration of the *Conditional Admission*, the *Affidavit* of the Respondent submitted pursuant to Practice Book §2-82(c) and the entire record of the complaint, and after conducting a hearing pursuant to Practice Book §2-82(b) on October 12, 2005, the undersigned hereby APPROVE the *Conditional Admission*, a copy of which is attached hereto together with the *Affidavit* of the Respondent. Accordingly, the disposition agreed to by the Chief Disciplinary Counsel and the Respondent in the above referenced matter and set forth in the *Conditional Admission* is hereby made an order of this reviewing committee. The Respondent is reprimanded.

So ordered.

cc: Deidre Sommerer
Eric Sommerer
Attorney Gail S. Kotowski

(9)

DECISION DATE: 11/4/05

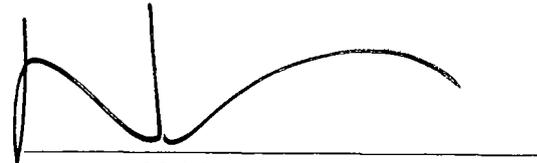


Attorney Raymond B. Rubens

Grievance Complaint #05-0225C

Decision

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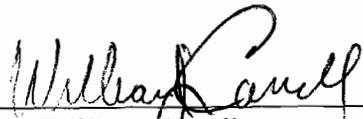
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Attorney Noble Allen

Grievance Complaint #05-0225C

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Mr. William Carroll

STATEWIDE GRIEVANCE COMMITTEE

NO. 05-0225C

ERIC SOMMERER
&
DEIDRE SOMMERER
Complainants

Vs.

JAMES F. MCKENNA
Respondent

CONDITIONAL ADMISSION AND AGREEMENT AS TO DISCIPLINE

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 Complainants on March 3, 2005.
2. On May 27, 2005, the Grievance Panel for the Judicial District of Danbury found Probable Cause that the Respondent violated Rule 8.4 of the Rules of Professional Conduct.
3. The Respondent hereby tenders a conditional admission of fact in accordance with his affidavit attached hereto.
4. It appears that the dispute between the Complainants and Respondent arose out of a refinance situation, where Complainants refinanced their family residence and retained the law firm of Alan Barry & Associates, LLC to represent them at the closing. Respondent was an associate with said law firm at that time and allegedly acknowledged documents without actually witnessing the signatures contained therein.

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100 Washington St.
Hartford, CT 06106
Tel: 860-706-5055 Fax: 860-706-5063

5. Respondent has been admitted to practice in Connecticut since October 29, 1984, and has been sanctioned once before in 1999 for violations of Rules 1.3 and 1.4(a), and he assures Disciplinary Counsel that this is an isolated matter and will not occur again in the future.
6. Disciplinary Counsel has agreed to recommend to the Statewide Grievance Committee that a **Reprimand** be issued in this matter along with a warning to the Respondent that future violations of the Rules of Professional Conduct will be scrutinized closely and may result in the recommendation that Respondent be presented to the Superior Court for discipline.

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

8/20/05
Date

Frank P. Blando
BY: Frank P. Blando
Assistant Disciplinary Counsel

Respondent

8/23/05
Date

James F. McKenna
James F. McKenna

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AFFIDAVIT

STATE OF CONNECTICUT)

) **ss.**

COUNTY OF)

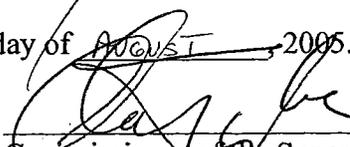
I am over the age of 18 and believe in the obligation of an oath. Pursuant to Practice Book § 2-82, I make the following affidavit:

1. The Conditional Admission attached hereto and made a part hereof is voluntarily submitted.
2. I herein consent to the form of discipline set forth in the attached Conditional Admission and Agreement as to Discipline.
3. I am aware that I have a right to a full evidentiary hearing on this matter, and I waive that right by entering into this agreement.
4. I have been subject to neither coercion nor duress, and I am fully aware of the implications of this Affidavit and my conditional admission.
5. I am fully aware of the current proceeding regarding my violation of Rule 8.4(3) of the Rules of Professional Conduct, regarding my conduct as it relates to the refinancing of the Complainants' residence during February, 2005.
6. I hereby acknowledge that there is a substantial likelihood that a trier of fact would find that I violated Rule 8.4(3) and that if I were to take this matter to a full evidentiary hearing, I may receive a greater penalty than that which may be imposed if I tender this Conditional Agreement.



 James F. McKenna

Subscribed and sworn to before me this 23RD day of AUGUST 2005.



 Commissioner of the Superior Court
 Notary Public

C. CAROL TAYLOR My Commission Expires _____
NOTARY PUBLIC
 MY COMMISSION EXPIRES AUG. 31, 2007