

STATEWIDE GRIEVANCE COMMITTEE

Melissa Romanchuck  
Complainant

:

vs.

:

Grievance Complaint #07-0358

Jarvis White  
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 September 5, 2007. The hearing addressed the record of the complaint filed on April 11, 2007 and the probable cause determination filed by the Middlesex Judicial District Grievance Panel on June 21, 2007, finding that there existed probable cause that the Respondent violated Rules 1.4 and 1.15(a) of the Rules of Professional Conduct and Practice Book §§2-32(a)(1) and 2-27(b) and (e).

Notice of the hearing was mailed to the Complainant, to the Respondent and to the Office of the Chief Disciplinary Counsel on August 2, 2007. Pursuant to Practice Book §2-35(d), Assistant Disciplinary Counsel Jeffrey Donahue pursued the matter before this reviewing committee. The Complainant appeared at the hearing and testified. The Respondent did not appear.

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

On January 19, 2007, the Complainant met with the Respondent regarding a child support and custody matter. The Respondent reviewed various forms and the court process with the Complainant. The Complainant provided the Respondent with personal information and paid a \$900 retainer and an additional \$75 marshal fee by personal checks. The Respondent did not deposit the checks into his trustee account. Instead, the Respondent cashed both checks the next day. The Complainant had difficulty contacting the Respondent. The last communication that the Complainant had with the Respondent was in January of 2007. Thereafter, the Complainant telephoned the Respondent numerous times leaving messages. The Respondent did not respond to the Complainant's telephone calls. The Respondent did not provide the Complainant with any information regarding the status of her case. The Respondent failed to act on the Complainant's matter.

The Respondent did not file an answer to the grievance complaint.

This reviewing committee also considered the following:

The Complainant testified that the last time she spoke with the Respondent he indicated that her son's father had been served with papers. The Complainant contended that her son's father was never served and no papers were filed in court. The Complainant explained that ultimately another attorney was hired to resolve the matter regarding her son. Disciplinary Counsel requests a presentment in this matter.

This reviewing committee concludes by clear and convincing evidence that the Respondent engaged in unethical conduct. The Respondent failed to adequately communicate with the Complainant in violation of Rule 1.4 of the Rules of Professional Conduct. The Respondent failed to keep the Complainant reasonably informed regarding the status of the civil matter and failed to return the Complainant's telephone calls. The Respondent failed to keep the Complainant's retainer separate from his own funds and to maintain records of and safe-keep the Complainant's \$900 retainer and \$75 marshal's fee in violation of Rule 1.15(b) of the Rules of Professional Conduct and Practice Book §2-27(b) and (f). The Respondent cashed the Complainant's checks instead of depositing the unearned funds into his clients' funds account. The Respondent failed to file an answer to the grievance complaint without establishing good cause in violation of Practice Book §2-32(a)(1). The Respondent failed to act on the Complainant's matter in violation of Rule 1.3 of the Rules of Professional Conduct. Since the Respondent failed to act on the Complainant's matter, the Respondent's fee was unreasonable in violation 1.5(a) of the Rules of Professional Conduct.

This reviewing committee concludes that Respondent's violations of Rules 1.4 and 1.15(b) of the Rules of Professional Conduct and Practice Book §§2-32(a)(1) and 2-27(b) and (e) constitutes serious misconduct. Accordingly 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. Since a presentment is a de novo proceeding, we further direct the Disciplinary Counsel to include a charges in the presentment that the Respondent failed to act with regard to the Complainant's child support and custody matter in violation of Rule 1.3 and charged an unreasonable fee in violation of Rule 1.5(a) of the Rules of Professional Conduct.

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jf

**DECISION DATE:** \_\_\_\_\_

Grievance Complaint #07-0358  
Decision  
Page 3

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Attorney Hugh W. Cuthbertson

Grievance Complaint #07-0358  
Decision  
Page 4

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Attorney Margarita Moore

Grievance Complaint #07-0358  
Decision  
Page 5

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Dr. Romeo Vidone