



STATE OF CONNECTICUT
JUDICIAL BRANCH

STATEWIDE GRIEVANCE COMMITTEE

Michael P. Bowler, *Statewide Bar Counsel*

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Judicial Branch Website: www.jud.ct.gov

Attorney Suzanne Sutton
Assistant Disciplinary Counsel
100 Washington Street
Hartford, CT 06106

Attorney Peter M. Clark
40 Main Street North
P.O. Box 487
Woodbury, CT 06798

RE: Grievance Complaint #07-1166, Bowler v. Peter M. Clark
Grievance Complaint #07-1003, Waterbury Judicial District Grievance Panel v.
Peter M. Clark

Dear Assistant 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 *Admission of Misconduct* (hereinafter “*Agreement*”) filed July 16, 2008 and submitted for approval in the above referenced matter. After careful consideration of the *Agreement*, the *Affidavit* of the Respondent submitted pursuant to Practice Book §2-82(d) and the entire record of the complaint, and after conducting a hearing pursuant to Practice Book §2-82(b) on June 3, 2008, the undersigned hereby APPROVE the *Agreement*, a copy of which is attached hereto together with the *Affidavit* of the Respondent. Accordingly, the disposition agreed to by the Assistant Disciplinary Counsel and the Respondent in the above referenced matter and set forth in the *Agreement* is hereby made an order of this reviewing committee.

The Respondent is hereby ordered to attend in-person and at his own expense three continuing legal education (“CLE”) courses focusing on the proper maintenance of IOLTA accounts. Each CLE course is to consist of a minimum of three credit hours, and is to be taken within one year of the issuance of this decision. The Respondent is further ordered to provide the Statewide Grievance Committee with written confirmation of his compliance with this condition within thirty days of completion of the CLE courses.

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Reviewing committee member Dr. Romeo Vidone was not available for the June 3, 2008 hearing. Assistant Disciplinary Counsel waived the participation of Dr. Vidone in the consideration and decision of the *Agreement*. Accordingly, the matter was considered and decided by the undersigned.

So ordered.

DECISION DATE:

8/8/08

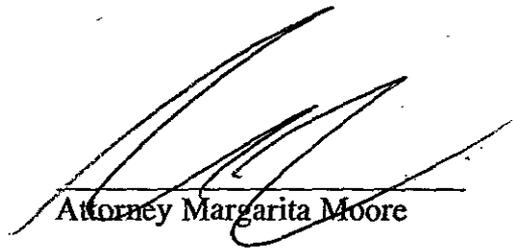
cc: Attorney Michael P. Bowler
Attorney Gail Kotowski
Attorney Gregory Benoit

(D)
EMR

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Attorney Shari Bornstein

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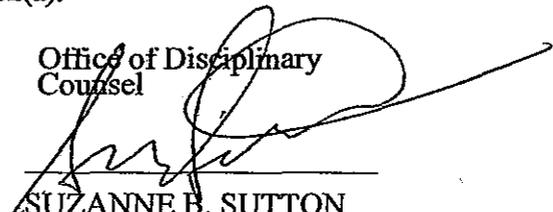


Attorney Margarita Moore

3. On February 13, 2008, the Grievance Panel for the Judicial District of Waterbury found probable cause that Attorney Clark violated Connecticut Rules of Professional Conduct 1.15(a) (Safeguarding Funds) by failing to properly maintain an IOLTA account and failure to adequately explain an overdraft.
4. Attorney Clark has tendered a conditional admission of fact in accordance with his affidavit attached hereto, admitting that he violated Rule 1.15 of the Connecticut Rules of Professional Conduct in both complaints 07-1003 and 07-1166.
5. This grievance arose from Attorney Clark's failure to properly maintain client ledgers and isolated instances of improper accounting resulting in an overdraft.
6. There is no evidence of malfeasance or fraud in Attorney Clark's failure to maintain proper accounting procedures.
7. While the grievance panel found probable cause for complaint 07 -1003 that Attorney Clark violated Practice Book Section 2-32(a)(1) by failing to file a timely response, Disciplinary Counsel believes this failure is mitigated by the comprehensive response dated August 25,2007 that Mr. Clark provided in the initial inquiry into this complaint.
8. Attorney Clark violated Rule 1.15(a) in failing to properly maintain his IOLTA account.
9. Attorney Clark has been admitted to practice in Connecticut since October 1983.
10. Attorney Clark has no prior disciplinary history.
11. Disciplinary Counsel and Attorney Clark agree that Attorney Clark admit his guilt in violating Rule 1.15(a). Disciplinary Counsel recommends that Attorney Clark be ordered to attend 9-hours of CLE training focusing on proper maintenance of IOLTA accounts. Attorney Clark will personally attend this CLE training at his own cost. The nine hours will be broken down as follows: six (6) hours allocated to Complaint number 07-1166 and three (3) hours allocated to complaint number 07-1003. This CLE requirement will be completed within one year from the date of this signed agreement and Attorney Clark will provide written confirmation to Disciplinary Counsel's Office within ten (10) days of completion.

WHEREFORE, this matter is submitted to the Committee for its approval in accordance with Practice Book § 2-82(a).

Office of Disciplinary
Counsel



SUZANNE B. SUTTON

Date: 7/14/08

Respondent



PETER M. CLARK

Date: 7-8-2008

AFFIDAVIT OF RESPONDENT

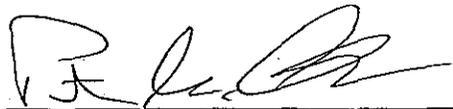
CONNECTICUT STATEWIDE GRIEVANCE COMMITTEE

MICHAEL P. BOWLER)	
Complainant,)	
)	
vs.)	Complaint No. 07-1166
)	
PETER M. CLARK,)	
Respondent.)	
)	
)	
WATERBURY JD GRIEVANCE PANEL)	
Complainant,)	
)	
vs.)	Complaint No. 07-1003
)	
PETER M. Clark,)	July 8, 2008
Respondent.)	
)	

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:

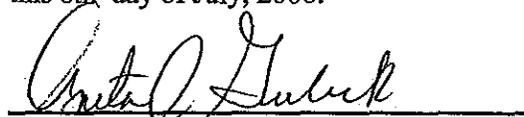
1. The Conditional Admission and agreement as to Discipline attached hereto and made a part hereof are voluntarily submitted.
2. I am aware that I have a right to a full hearing on this matter with the assistance of an attorney and I waive that right by entering into this agreement.
3. I have been neither subject to coercion nor duress and I am fully aware of the consequences of this Affidavit and Conditional Admission and Agreement as to Discipline.
4. I am aware of the current proceeding regarding my violation of Rules of Professional Conduct 1.15(a) as it specifically relates to my actions with regard to overdrafts from my IOLTA account.

5. These grievances arose from my conduct regarding a \$45,000 overdraft and a \$14,000 overdraft from my IOLTA account.
6. I agree that I violated Rule 1. 15(a) and I admit my guilt.
7. I agree and understand that Disciplinary Counsel is recommending that I personally attend 9-hours of CLE courses on proper IOLTA accounting at my own expense. I agree to file an appropriate certification of successful completion of the 9-hours of CLE courses with the Statewide Grievance Counsel.
8. I consent to the recommendation of Disciplinary Counsel that I be ordered to attend 9-hours of CLE as a sanction for my Rules violations. The nine (9) hours will be allocated as follows: Six (6) hours to be allocated toward Complaint number 07-1166 and three (3) hours to be allocated toward Complaint number 07-1003. The CLE requirement will be completed within one year of the date of this agreement and I will provide written confirmation to the Disciplinary Counsel's Office within ten (10) days of completion.



ATTORNEY PETER M. CLARK

Subscribed and sworn to before me
this 8th day of July, 2008.


Anita A. Gulick, Notary Public

My Comm: Exp: 11-30-12