

STATEWIDE GRIEVANCE COMMITTEE

Dagli Tang  
Complainant

:

vs.

:

Grievance Complaint #08-1042

Paulus H. Chan  
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 July 9, 2009. The hearing addressed the record of the complaint filed on October 23, 2008 and the probable cause determination filed by the New Haven Judicial District Grievance Panel for Geographical Area 7 and the towns of Branford, East Haven, Guilford, Madison & North Branford on March 9, 2009, finding that there existed probable cause that the Respondent violated Rules 1.3, 1.4(3), 1.7(a)(1) and (2), 1.7(b)(4) and 1.8(b) of the Rules of Professional Conduct.

Notice of the hearing was mailed to the Complainant, to the Respondent and to the Office of the Chief Disciplinary Counsel on June 8, 2009. Pursuant to Practice Book §2-35(d), Assistant Disciplinary Counsel Beth L. Baldwin pursued the matter before this reviewing committee. The Complainant and the Respondent appeared at the hearing and testified. Reviewing committee member Attorney Nancy E. Fraser was unavailable for the hearing. Since both the Assistant Disciplinary Counsel and the Respondent waived the participation of Attorney Fraser, this matter was heard and decided by the undersigned. Two exhibits were admitted into evidence.

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

The Respondent represented both the Complainant and the Complainant's former wife, Lan Tang, in an immigration case in 2002. The Complainant and Lan Tang mutually consented to the joint representation. The Respondent assisted the Tangs' in obtaining the Complainant's work permit and green card. Thereafter, during the period of October 2007 and January 2008, the Complainant contacted the Respondent for advice regarding certain family problems. In or around January of 2008, the Complainant was served with divorce papers. The Respondent agreed to represent the Complainant in the divorce case. The Complainant signed a retainer agreement in connection with the representation and paid the Respondent a retainer fee. The Respondent prepared an answer and cross complaint to the divorce complaint on behalf of the Complainant. The Respondent appeared with the Complainant in Court on or about March 5, 2008 and negotiated a temporary pendente lite agreement. The Respondent did not appear at the Complainant's divorce hearing on August 1, 2008. The Respondent did not obtain Lan Tang's

written informed consent in connection with his representation of the Complainant in the divorce proceeding. The Respondent did not file a motion to withdraw as the Complainant's attorney in the divorce proceeding.

This reviewing committee also considered the following:

The Complainant testified that the Respondent did not tell him that he could not represent him in the divorce matter and that he needed a new attorney. The Respondent claimed that initially he explained to the Complainant that he "can only help him in his divorce case if his wife does not object as they had previously signed the mutual consent and with the understanding that"...he "would not represent either party when they have relationship problems." The Respondent further claimed that he did not know the nature of the conflict, until a few months after he commenced the representation. The Respondent explained that while representing the Complainant in the divorce matter, the Complainant advised that Lan Tang threatened to cause trouble regarding his immigration status. The Respondent testified that he requested the Complainant on more than one occasion to obtain new counsel in connection with the divorce proceeding. The Respondent claimed that he did not withdraw after understanding the conflict, because he did not want to hurt the Complainant by disclosing certain immigration information.

This reviewing committee finds the following violations of the Rules of Professional Conduct by clear and convincing evidence:

The Respondent's representation of the Complainant in the divorce proceeding involved a concurrent conflict of interest in violation of Rule 1.7(a)(2) of the Rules of Professional Conduct in that there was a significant risk that the Respondent's representation of the Complainant in the divorce proceeding would be materially limited by the Respondent's responsibility to his former client, Lan Tang. The Respondent did not obtain Lan Tang's informed consent, confirmed in writing, in connection with his representation of the Complainant in the divorce proceeding in violation of Rule 1.7(b)(4) of the Rules of Professional Conduct. The Respondent failed to exercise reasonable diligence in connection with his representation of the Complainant in violation of Rule 1.3 of the Rules of Professional Conduct, by failing to appear at the Complainant's August 1, 2008 divorce hearing.

The record lacks clear and convincing evidence that the Respondent violated Rules 1.4(3), 1.7(a)(1) or 1.8(b) of the Rules of Professional Conduct.

The reviewing committee notes that despite the Respondent's overwhelming desire to help

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a client, he must conform his conduct to the Rules of Professional Conduct. Since we conclude that the Respondent violated the Rules of Professional Conduct, we reprimand the Respondent.

(4)

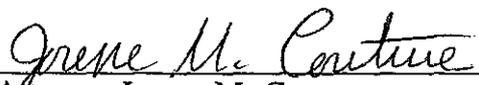
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DECISION DATE: 9/18/09

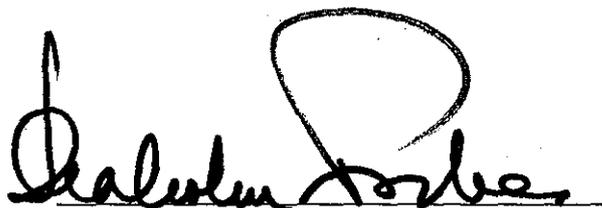
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Attorney Jorene M. Couture

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Mr. Malcolm Forbes