

STATE OF CONNECTICUT



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**STATEWIDE GRIEVANCE COMMITTEE**

[www.jud.ct.gov/sgc/](http://www.jud.ct.gov/sgc/)

Second Floor - Suite Two

287 Main Street, East Hartford, Connecticut 06118-1885

06/27/2011

OFFICE OF CHIEF DISCIPLINARY C  
100 WASHINGTON STREET  
HARTFORD CT 06106

JOHN J EVANS  
EVANS LAW OFFICES LLC  
777 SUMMER ST, STE 403  
STAMFORD CT 06901

RE: GRIEVANCE COMPLAINT #10-0795  
JENSEN vs. EVANS

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 Eugene J. Riccio  
Sarah Jensen

**NOTICE REGARDING DECISION  
- PRESENTMENT -**

**GRIEVANCE COMPLAINT #** 10-0795

**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:** 6/27/11

STATEWIDE GRIEVANCE COMMITTEE

Sarah Jensen  
Complainant :

vs. : Grievance Complaint #10-0795

John J. Evans  
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, One Court Street, Middletown, Connecticut on April 14, 2011. The hearing addressed the record of the complaint filed on September 17, 2010, and the probable cause determination filed by the Stamford/Norwalk Judicial District Grievance Panel on February 19, 2011, finding that there existed probable cause that the Respondent violated Rule 8.4(3) 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 March 10, 2011. Pursuant to Practice Book §2-35(d), Chief Disciplinary Counsel Patricia A. King pursued the matter before this reviewing committee. The Complainant did not appear. The Respondent appeared at the hearing and testified.

Reviewing committee member Attorney Hugh W. Cuthbertson was unavailable for the hearing. Because both the Disciplinary Counsel and the Respondent waived the participation of Attorney Cuthbertson, this decision was rendered by the undersigned.

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

The Complainant is a court monitor who transcribes hearings for the Statewide Grievance Committee. The Respondent is an attorney who had previously requested, and received, transcripts from the Complainant. On June 2, 2010, a hearing was conducted in a Statewide Grievance Committee matter in Bridgeport. At the close of the hearing, the Respondent requested from the Complainant a copy of the transcript. As she had done previously, the Complainant indicated to the Respondent that she would send him an invoice once she was done preparing the transcript.

On June 23, 2010, the Complainant sent an e-mail to the Respondent informing him that she had completed the transcript and attaching an invoice totaling \$440.66. The Complainant received no response to that e-mail, nor to a follow-up e-mail dated July 6, 2010. As the Complainant had

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previously had trouble obtaining timely payment from the Respondent, she stopped pursuing it. However, in early August of 2010, the Complainant learned that another hearing would be scheduled in the matter for September 29, 2010.

The Complainant sent the Respondent an e-mail on September 3, 2010 stating that if the Respondent wanted a copy of the June 2, 2010 transcript, she would need to receive payment by September 17, 2010. Later that day, the Respondent replied with an e-mail which included some unprofessional jokes and concluded with the sentence: "I'll send out a check to you on Tuesday, and I hope you enjoy your holiday weekend."

As of the date of the hearing, the Complainant has not been paid for the transcript.

The Respondent has a disciplinary history which includes four reprimands by the Statewide Grievance Committee, dated June 26, 2003, August 29, 2003, December 5, 2008 and January 9, 2009, a court reprimand dated September 30, 2009, and a pending presentment order dated January 20, 2011.

This reviewing committee also considered the following:

In his answer, as well as his testimony before this reviewing committee, the Respondent maintained that since the Complainant was also preparing the transcript for other parties, there was no reliance by the Complainant based on the Respondent's request, and there was no binding legal obligation regarding the transcript unless and until he sent the check to the Complainant. The Respondent believed that the June 23, 2010 e-mail only represented a statement of intention.

This reviewing committee concludes by clear and convincing evidence that the Respondent engaged in unethical conduct. Neither the probable cause finding, nor the decision of this reviewing committee, is predicated upon whether a binding legal obligation arose under contract law in this matter. Rather, and very simply, it is clear that the Respondent engaged in dishonesty. In his September 3, 2010 e-mail, the Respondent stated that "I'll send out a check to you on Tuesday..." but he failed to do so. Accordingly, this reviewing committee finds that the Respondent was dishonest, in violation of Rule 8.4(3) of the Rules of Professional Conduct.

This reviewing committee does not believe that the Respondent's misconduct set forth above warrants a presentment to the Superior Court. However, pursuant to Practice Book §2-47(d), this reviewing committee notes that the Respondent has been disciplined at least three times pursuant to complaints filed within the five year period preceding the date of the filing of this grievance complaint – the Statewide Grievance Committee reprimands dated December 5, 2008 (complaint filed January 14, 2008) and January 9, 2009 (complaint filed March 6, 2008), and the Court reprimand dated September 30, 2009 (arising from a grievance complaint filed March 18, 2008

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which resulted in a presentment filed June 5, 2009). Accordingly, as required by Practice Book §2-47(d), this reviewing committee directs Disciplinary Counsel to file a presentment against the Respondent in the Superior Court, for proceedings as set forth therein.

(8)

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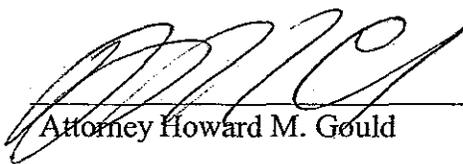
DECISION DATE: \_\_\_\_\_

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Attorney Howard M. Gould

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Mr. Peter Jenkins