

STATE OF CONNECTICUT



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STATEWIDE GRIEVANCE COMMITTEE

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Second Floor - Suite Two
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01/13/2012

OFFICE OF CHIEF DISCIPLINARY C
100 WASHINGTON STREET
HARTFORD CT 06106

PETER MICHAEL CLARK
ATTORNEY PETER M. CL
40 MAIN STREET NORTH
P.O. BOX 487
WOODBURY CT 06798-0487

RE: GRIEVANCE COMPLAINT #11-0302
HAVEN vs. CLARK

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,

A handwritten signature in cursive script, appearing to read "Michael P. Bowler".

Michael P. Bowler

Encl.

cc: Attorney Gail S. Kotowski
Brent D. Haven

**NOTICE REGARDING DECISION
- PRESENTMENT -**

GRIEVANCE COMPLAINT # 11-0302

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: 1/13/12

STATEWIDE GRIEVANCE COMMITTEE

Scott F. Haven
Complainant

vs.

Peter M. Clark
Respondent

:

:

Grievance Complaint #11-0291

Brent D. Haven
Complainant

vs.

Peter M. Clark
Respondent

:

:

Grievance Complaint #11-0302

DECISION

Pursuant to Practice Book §2-35, the undersigned, duly-appointed reviewing committee of the Statewide Grievance Committee, conducted a consolidated hearing at the Superior Court, 235 Church Street, New Haven, Connecticut on September 7, 2011. The consolidated hearing addressed the records of two related complaints: Scott F. Haven v. Peter M. Clark, Grievance Complaint #11-0291, filed on April 6, 2011, and Brent D. Haven v. Peter M. Clark, Grievance Complaint #11-0302, filed on April 11, 2011. In both grievance complaints, a probable cause determination was filed by the Waterbury Judicial District Grievance Panel on June 15, 2011, finding that there existed probable cause that the Respondent violated Rules 1.1, 1.3 and 8.4(4) of the Rules of Professional Conduct.

Notice of the hearing was mailed to the Complainants, to the Respondent and to the Office of the Chief Disciplinary Counsel on July 28, 2011. Pursuant to Practice Book §2-35(d), Assistant Disciplinary Counsel Karyl Carrasquilla pursued the matter before this reviewing committee. The Complainants and the Respondent appeared at the hearing and testified. Suzanne Haven, the wife of the Complainant Brent D. Haven, testified as a witness.

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

In November of 2009, the Respondent was appointed by the Shelton Probate Court as the fiduciary of the estate of the Complainants' father, who had passed away on September 18, 2009. The Respondent was late in paying a number of bills and funeral expenses for the estate. The estate

not having been concluded after a year, the Complainants requested a status conference before the probate court.

A status conference was initially noticed for November 23, 2010, but was continued at the Respondent's request, in a facsimile in which the Respondent stated that he planned to wrap up the accounting for the estate by the end of 2010.

The status conference was rescheduled for December 1, 2010, but the Respondent did not appear. When contacted by telephone, the Respondent indicated he had calendared the meeting for the wrong day. The matter was rescheduled for December 21, 2010, at which time the Respondent was to present a full accounting. The Respondent appeared on the 21st and presented an accounting. Some revisions were made to the accounting, and a hearing for final approval was scheduled for December 30, 2010. By facsimile dated December 27, 2010, the Respondent forwarded a final accounting, but requested that the hearing be rescheduled due to travel plans. The hearing was rescheduled for January 11, 2011.

The Respondent did not appear on January 11, 2011. He called the probate court on that date and indicated that he had a flat tire. The hearing went forward in the Respondent's absence, and the probate court approved the final accounting, issuing an order dated January 14, 2011. However, the Respondent did not make the final disbursements within thirty days. The Complainants requested a status hearing, and one was scheduled by the probate court for March 16, 2011.

The Respondent did not appear for the March 16, 2011 hearing. Instead, he sent a facsimile dated March 16, 2011 to the probate court stating that he could not attend, but attaching letters showing disbursements to three of the four beneficiaries. His facsimile stated that he would make his fourth disbursement by Friday, March 18, 2011, or early the following week. The probate court judge issued a subpoena to the Respondent directing him to come to court with bank records showing the funds for the fourth distribution, \$241,130.51. The subpoena was served on the Respondent on March 18, 2011, and a hearing was scheduled for March 23, 2011 at 11:00 a.m.

On March 23, 2011, the Respondent did not appear for the hearing, despite the subpoena. The probate court judge thereupon issued a *caus* and the Respondent was brought to court by a marshal at the end of the day. The probate court judge issued a decree ordering the Respondent to appear by noon the following day with a check to the Complainant Scott Haven for the \$241,130.51. The Respondent initially indicated he could not do so due to a real estate closing, but the judge directed him to reschedule the closing, and the Respondent provided the check to Scott Haven as directed.

On March 31, 2011, the Respondent made the final disbursements and the estate was closed

on April 1, 2011.

The Respondent has previously received disciplinary sanctions. On August 8, 2008, the Respondent was ordered to attend continuing legal education (CLE) courses as a result of an agreement with Disciplinary Counsel in the matters of Waterbury Judicial District Grievance Panel v. Peter M. Clark, Grievance Complaint #07-1003, and Michael P. Bowler v. Peter M. Clark, Grievance Complaint #07-1166. However, the Respondent failed to comply with the CLE order and was subsequently presented to the Superior Court, where further discipline was imposed on September 9, 2010. On June 11, 2010, the Respondent was reprimanded in the matter of Michael P. Bowler v. Peter M. Clark, Grievance Complaint #09-1016.

This reviewing committee also considered the following:

The Respondent testified that he had problems both personal and professional during this period, including the loss of staff in his office, and that he did not manage his time well. The Respondent acknowledged his mistakes and indicated that he has borne the costs of his delays and also reduced his fees in this matter. The Respondent apologized to the Complainants.

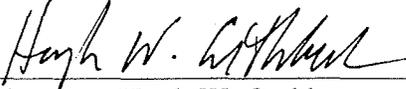
This reviewing committee concludes by clear and convincing evidence that the Respondent engaged in misconduct in this matter. The Respondent clearly demonstrated a lack of competence and a lack of diligence in his handling of the estate, most notably in his frequent failure to appear for court hearings and his failure to make timely disbursements. In addition to violations of Rules 1.1 and 1.3 of the Rules of Professional Conduct, this reviewing committee finds that the Respondent's conduct in March of 2011, where he ignored a subpoena by the probate court and had to be brought to court by *capias*, constituted conduct prejudicial to the administration of justice in violation of Rule 8.4(4) of the Rules of Professional Conduct.

Given the nature of the violations in this matter, and given the Respondent's prior disciplinary history, it is the order of this reviewing committee that the Respondent be presented to the Superior Court for the imposition of whatever discipline is deemed appropriate.

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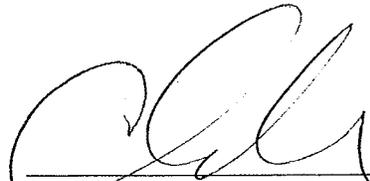
DECISION DATE: 1/13/12

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Attorney Hugh W. Cuthbertson

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Attorney Christopher T. Goulden

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A handwritten signature in cursive script that reads "Dr. Romeo Vidone". The signature is written in black ink and is positioned above a horizontal line.

Dr. Romeo Vidone