

STATE OF CONNECTICUT



Michael P. Bowler
Statewide Bar Counsel

Frances Mickelson-Dera
Christopher L. Slack
First Assistant Bar Counsel

Tel: (860) 568-5157
Fax: (860) 568-4953

STATEWIDE GRIEVANCE COMMITTEE

www.jud.ct.gov/sgc/
Second Floor - Suite Two
287 Main Street, East Hartford, Connecticut 06118-1885

03/10/2017

OFFICE OF CHIEF DISCIPLINARY C
100 WASHINGTON STREET
HARTFORD CT 06106

JOHN BAILEY KENNELLY
KENNELLY & ASSOCIATES, LLC
196 TRUMBULL STREET
5TH FLR / STE 508
HARTFORD CT 06103

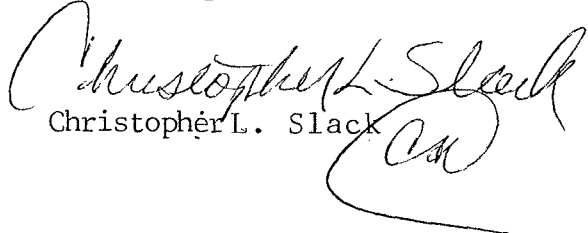
RE: GRIEVANCE COMPLAINT #16-0546
BOWLER vs. KENNELLY

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,


Christopher L. Slack

Encl.

cc: Attorney John J. Quinn
Michael P. Bowler

NOTICE REGARDING DECISION
SANCTIONS OR CONDITIONS

GRIEVANCE COMPLAINT # 16-0546

THE ATTACHED DECISION IS PRESENTLY STAYED IN ACCORDANCE WITH PRACTICE BOOK §§2-35 AND 2-38.

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).

SECTION 2-38 STATES, IN PART, AS FOLLOWS:

(b) ... Enforcement of a decision by a reviewing committee imposing sanctions or conditions against the respondent ... shall be stayed for thirty days from the issuance to the parties of the final decision of the reviewing committee pursuant to Section 2-35(g). If within that period the respondent files with the Statewide Grievance Committee a request for review of the reviewing committee's decision, the stay shall remain in effect for thirty days from the issuance by the Statewide Grievance Committee of its final decision pursuant to Section 2-36. If the respondent timely commences an appeal [of the sanctions or conditions to the Superior Court] pursuant to subsection (a) of this section, such stay shall remain in full force and effect until the conclusion of all proceedings, including all appeals, relating to the decision imposing sanctions or conditions against the respondent. If at the conclusion of all proceedings, the decision imposing sanctions or conditions against the respondent is rescinded, the complaint shall be deemed dismissed as of the date of the decision imposing sanctions or conditions against the respondent.

DECISION DATE: 3-10-17



STATE OF CONNECTICUT
JUDICIAL BRANCH

STATEWIDE GRIEVANCE COMMITTEE

Michael P. Bowler, *Statewide Bar Counsel*

287 Main Street
Second Floor – Suite Two
East Hartford, CT 06118-1885
(860) 568-5157 Fax (860) 568-4953
Judicial Branch Website: www.jud.ct.gov

Attorney Leanne Larson
Office of the Chief Disciplinary Counsel
100 Washington Street
Hartford, CT 06106

Attorney John B. Kennelly
Kennelly & Associates, LLC
196 Trumbull Street, 5th Fl-Suite 508
Hartford, CT 06103

RE: Grievance Complaint #16-0546, Bowler v. John B. Kennelly

Dear Assistant Disciplinary Counsel and Respondent:

Pursuant to Practice Book §2-82(b), the undersigned, duly-appointed reviewing committee of the Statewide Grievance Committee, have reviewed the *Proposed Disposition Pursuant to Practice Book §2-82(b)* (hereinafter "*Proposed Disposition*") electronically filed on January 25, 2017 and submitted for approval in the above referenced matter. After careful consideration of the *Proposed Disposition*, 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 February 1, 2017, the undersigned hereby APPROVE the *Proposed Disposition*, 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 *Proposed Disposition* is hereby made an order of this reviewing committee. The Respondent is reprimanded.

So ordered.

Encl.

cc: Attorney Michael P. Bowler
Attorney John J. Quinn

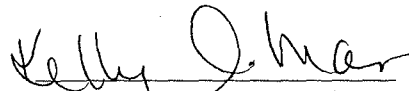
DECISION DATE: 3-10-17

(3)

Grievance Complaint #16-0546

Decision

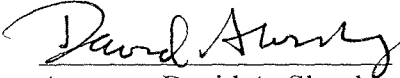
Page 2


Attorney ~~Kelly~~ A. Masi

Grievance Complaint #16-0546

Decision

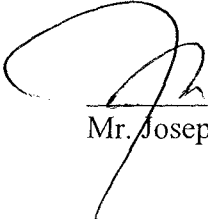
Page 3


Attorney David A. Slossberg

Grievance Complaint #16-0546

Decision

Page 4



Mr. Joseph J. Matthews

JAN 27 2017

STATEWIDE GRIEVANCE COMMITTEE

Michael P. Bowler
Complainant

GRIEVANCE COMPLAINT
#16-0546

v.

John B. Kennelly
Respondent

PROPOSED DISPOSITION PURSUANT TO PRACTICE BOOK §2-82(b)

Pursuant to Practice Book §2-82(b), and Practice Book §2-82(a)(2), the undersigned Respondent and Disciplinary Counsel stipulate and agree as follows:

1. John B. Kennelly (hereinafter Respondent), Juris Number 413252, was admitted to the bar of the State of Connecticut on November 7, 1996. The Respondent received a court reprimand on February 25, 2005.
2. The Respondent has registered with the Statewide Grievance Committee for 2016 and is currently in good standing.
3. This matter was instituted by grievance complaint dated August 23, 2016.
4. On November 17, 2016, the Hartford Judicial District Grievance Panel for G.A. 13 and the Town of Hartford found probable cause that the Respondent violated Rule 1.15(b) of the Rules of Professional Conduct and Practice Book §2-27.
5. The Respondent has tendered an affidavit pursuant to Practice Book §2-82(d), attached hereto, and admits that he commingled his personal funds with his clients' funds, that he paid his personal expenses out of his clients' funds account, that he failed to maintain a general ledger or individual client ledgers, that he initiated cash withdrawals from his clients' funds account, and that he failed to properly reconcile his clients' funds account, and that this conduct violated Rule 1.15(b) of the Rules of Professional Conduct and Practice Book §2-27.
6. The Respondent and Disciplinary Counsel agree that the Respondent will be reprimanded pursuant to Practice Book §2-37(a).

7. The Respondent and the Disciplinary Counsel agree that the Respondent will attend in-person and at his own expense one continuing legal education ("CLE") course in legal ethics/IOLTA account management. Online courses do not comply. Materials-only courses do not comply. The CLE course is to consist of a minimum of 3 credit hours and is to be taken within 9 months of the approval of this agreement. The Respondent will provide the Statewide Grievance Committee with written confirmation of his compliance with this condition within 30 days of completion of the CLE course. The Respondent understands that this condition is *in addition to* the MCLE requirements commencing in 2017. In addition to the written confirmation of the condition herein, the Respondent shall, upon completion of all MCLE requirements for the calendar year, provide the Statewide Grievance Committee with certifications from all course providers, as well as a completed Form JD-CE-1, evidencing compliance with the MCLE requirements.
8. The Respondent and the Disciplinary Counsel further agree that the Respondent will attend in-person and at his own expense a course in QuickBooks instruction. Online courses do not comply. Materials only courses do not comply. The course must be taken within 6 months of the approval of this agreement. The Respondent will provide the Office of Chief Disciplinary Counsel evidence of his compliance with this condition within 30 days of completion of the course.
9. The Respondent understands that these are disciplinary sanctions and conditions pursuant to Practice Book §2-37(a).
10. The Respondent further understands that his failure to comply with all the terms and conditions stated herein will result in the filing of a presentment pursuant to Practice Book §2-37(c).
11. The Respondent and the Disciplinary Counsel agree that the Disciplinary Counsel will recommend that the Statewide Grievance Committee impose the sanction set forth in this agreement. If this agreement is rejected by the Statewide Grievance Committee, the Disciplinary Counsel will pursue this matter at a contested hearing.

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

Office of Chief Disciplinary Counsel,

1-25-17
Date

By: Learne M. Larson
Learne M. Larson
Assistant Chief Disciplinary Counsel

1/25/17
Date

John B. Kennelly
John B. Kennelly
Respondent

STATEWIDE GRIEVANCE COMMITTEE

Michael P. Bowler
Complainant

GRIEVANCE COMPLAINT
#16-0546

v.

John B. Kennelly
Respondent

AFFIDAVIT

I am over the age of 18 and believe in the obligation of an oath. Pursuant to Practice Book §2-82(d), I make the following affidavit:

1. The Proposed Disposition attached hereto and made a part hereof is voluntarily submitted.
2. I hereby consent to the form of disposition set out in the foregoing Proposed Disposition.
3. I am aware that I have a right to a full evidentiary hearing on this matter with the assistance of an attorney and I waive that right by entering into this agreement.
4. I have been neither subject to coercion nor duress and I am fully aware of the consequences of this Affidavit and Proposed Disposition.
5. I am aware of the current proceeding regarding my alleged violation of Rule 1.15(b) of the Rules of Professional Conduct and Practice Book §2-27.
6. I admit that I commingled my personal funds with my clients' funds, that I paid my personal expenses out of my clients' funds account, that I failed to maintain a general ledger or individual client ledgers, that I initiated cash withdrawals from my clients' funds account, and that I failed to properly reconcile my clients' funds account, and that this conduct violated Rule 1.15(b) of the Rules of Professional Conduct and Practice Book §2-27.

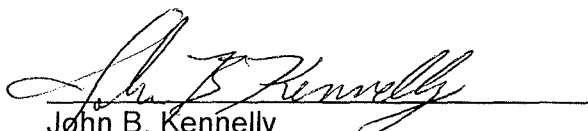
7. I agree to a reprimand pursuant to Practice Book §2-37(a).
8. I agree to attend in-person and at my own expense a continuing legal education ("CLE") course in legal ethics/IOLTA account management. Online courses do not comply. Materials-only courses do not comply. The CLE course is to consist of a minimum of 3 credit hours and is to be taken within 9 months of the approval of this agreement. I understand and agree that it is my obligation to provide the Statewide Grievance Committee with written confirmation of my compliance with this condition within 30 days of completion of the CLE course. I understand that this condition is *in addition to* the MCLE requirements commencing in 2017. In addition to the written confirmation of the condition herein, I shall, upon completion of all MCLE requirements for the calendar year, provide the Statewide Grievance Committee with certifications from all course providers, as well as a completed Form JD-CE-1, evidencing compliance with the MCLE requirements.
9. I further agree that I will attend in-person and at my own expense a course in QuickBooks instruction. Online courses do not comply. Materials only courses do not comply. The course must be taken within 6 months of the approval of this agreement. I will provide the Office of Chief Disciplinary Counsel evidence of my compliance with this condition within 30 days of completion of the course.
10. I further understand that my failure to comply with all the terms and conditions stated herein will result in a presentment.
11. Finally, I understand that Disciplinary Counsel will recommend that this matter be resolved by the imposition of the sanction set forth in the Proposed Disposition. If this agreement is rejected by the Statewide Grievance Committee, the Disciplinary Counsel will pursue this matter at a contested hearing.

STATE OF CONNECTICUT)

COUNTY OF HARTFORD)

) ss.

Hartford


 John B. Kennelly

Subscribed and sworn to before me this 25 day of January, 2017

PAT HYJEK
NOTARY PUBLIC
MY COMMISSION EXPIRES 2020



Notary Public/Commissioner of the
Superior Court