

STATEWIDE GRIEVANCE COMMITTEE

Jacobs & Rozich, LLC :
Complainant
vs. : Grievance Complaint #08-0528
Judith Sporn :
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, 1061 Main Street, Bridgeport, Connecticut on December 3, 2008. The hearing addressed the record of the complaint filed on June 11, 2008, and the probable cause determination rendered by Stamford/Norwalk Judicial District Grievance Panel, finding that there existed probable cause that the Respondent violated Rule 8.4(4) of the Rules of Professional Conduct.

Notice of the December 3, 2008 hearing was mailed to the Complainant, to the Respondent and to the Office of the Chief Disciplinary Counsel on October 30, 2008. Pursuant to Practice Book §2-35(d), Assistant Disciplinary Counsel Karyl Carrasquilla pursued the matter before this reviewing committee. The Respondent appeared and testified. One exhibit was admitted into evidence.

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

The Complainant filed a lawsuit on behalf of Snelling Employment LLC for services the Respondent received for her law firm. In December of 2006, the Respondent settled the case and agreed to pay \$12,845.48 in monthly installments of \$1,000.00 commencing January 22, 2007. Based on the agreement, a judgment entered against the Respondent. The Respondent failed to make the payments in accordance with the stipulated judgment and the Complainant filed a grievance complaint against the Respondent. The Respondent then made two payments to bring her account current. The local grievance panel dismissed the grievance complaint because the panel found the Respondent's actions to be an isolated incident, the Respondent promptly made the required payments and she was sufficiently contrite.

After the grievance complaint was dismissed, the Respondent failed to make any further payments under the installment plan. The Complainant made attempts to collect the judgment for one year prior to filing a second grievance complaint. At some point, the Respondent stopped returning the Complainant's phone calls.

After the second grievance complaint was filed, the Respondent paid the judgment debt in full.

This reviewing committee also considered the following:

The Respondent stated in her answer to the complaint that cash flow problems made it impossible for her to pay the judgment. There was no evidence to suggest that after the first grievance complaint was dismissed, the Respondent made attempts to pay a portion of the remaining judgment or to have the payment schedule modified prior to the second grievance complaint being filed.

This reviewing committee concludes by clear and convincing evidence that the Respondent violated the Rules of Professional Conduct.

We conclude that the Respondent violated Rule 8.4(4) of the Rules of Professional Conduct by failing to pay the civil judgment entered against her in favor of the Complainant's client in accordance with the stipulated judgment. The law in Connecticut is well settled that an attorney's failure to pay a civil judgment constitutes conduct prejudicial to the administration of justice, in violation of Rule 8.4(4) of the Rules of Professional Conduct. The evidence shows that the Respondent agreed to the installment plan in December of 2006; she did not contest the judgment and once the first grievance complaint was dismissed, she did not make attempts to pay any portion of the remaining judgment debt or have the payment schedule modified in an attempt to satisfy the judgment. Even if the Respondent was not financially able to pay the entire amount of the judgment, this did not permit her to ignore the judgment of the court. Although the Respondent did eventually satisfy the judgment debt, we are critical of the Respondent for waiting until after this second grievance complaint was filed to pay the judgment.

Since we conclude that the Respondent violated Rule 8.4(4) of the Rules of Professional Conduct, we reprimand the Respondent.

(D)
EMR

DECISION DATE: 12/19/06

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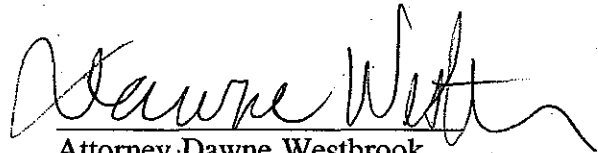


Attorney Salvatore DePiano

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Attorney Dawne Westbrook

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Mr. William Carroll