

STATEWIDE GRIEVANCE COMMITTEE

Damon Lamarr Yates
Complainant

:

vs.

:

Grievance Complaint #07-0547

Michael P. Gannon
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, 400 Grand Street, Waterbury, Connecticut on December 4, 2007. The hearing addressed the record of the complaint filed on June 8, 2007 and the probable cause determination filed by the Ansonia/Milford Judicial District Grievance Panel on October 10, 2007, finding that there existed probable cause that the Respondent violated Rules 1.3, 1.4 and 8.1(2) of the Rules of Professional Conduct and Practice Book §2-32 (a)(1).

Notice of the hearing was mailed to the Complainant, to the Respondent and to the Office of the Chief Disciplinary Counsel on November 1, 2007. Pursuant to Practice Book §2-35(d), Assistant Disciplinary Counsel Patricia A. King pursued the matter before this reviewing committee. The Complainant appeared at the hearing and testified. The Respondent did not appear. Reviewing committee member William J. Carroll was unavailable for the hearing. Since the Assistant Disciplinary Counsel waived the participation of Mr. Carroll, this matter was heard and decided by the undersigned.

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

The Respondent represented the Complainant in connection with two criminal matters. The Complainant accepted a plea deal and thereafter asked the Respondent to bring a copy of his warrant affidavits to his January 19, 2005 sentencing. The Respondent did not appear at the Complainant's sentencing on January 19, 2005. Thereafter, the Complainant did not hear from the Respondent, despite the Complainant's attempts to contact him.

The Respondent did not file an answer to the grievance complaint.

This reviewing committee also considered the following:

The Disciplinary Counsel requested a presentment in this matter.

This reviewing committee concludes by clear and convincing evidence that the Respondent engaged in unethical conduct in connection with his representation of the Complainant in criminal matters. The Respondent failed to exercise reasonable diligence in representing the Complainant in violation of Rule 1.3 of the Rules of Professional Conduct by failing to appear at the Complainant's sentencing on January 19, 2005 with copies of the warrant affidavits. The Respondent failed to communicate with the Complainant after the January 19, 2005 sentencing, despite the Complainant's attempts to contact him in violation of Rule 1.4 of the Rules of Professional Conduct. The Respondent failed to file an answer to the grievance complaint in violation of Rule 8.1(2) of the Rules of Professional Conduct and Practice Book §2-32 (a)(1). Since we conclude that the Respondent violated the Rules of Professional Conduct and the Practice Book, and in consideration of the seriousness of the misconduct, we direct the Disciplinary Counsel to file a presentment against the Respondent in the Superior Court for the imposition of whatever discipline the court deems appropriate.

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DECISION DATE: 1/11/08

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Attorney Shari Bornstein

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Attorney David I. Channing