

STATEWIDE GRIEVANCE COMMITTEE

Clarence Arrington  
Complainant

:

vs.

:

Grievance Complaint #07-0589

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, 1061 Main Street, Bridgeport, Connecticut on February 6, 2008. The hearing addressed the record of the complaint filed on June 22, 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 8.4(3), 8.4(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 January 3, 2008. The Complainant appeared and testified at the hearing. Pursuant to Practice Book §2-35(d), Chief Disciplinary Counsel Mark Dubois pursued the matter before this reviewing committee. The Respondent did not appear.

Reviewing committee member William Carroll was not present for the hearing. Since the Chief Disciplinary Counsel waived Mr. Carroll's participation, this decision was rendered by the undersigned.

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

The Complainant was in court on a criminal matter in 2005. After conferring with the counsel then representing him, the Complainant was approached by the Respondent, who apparently had overheard their discussion. The Respondent stated to the Complainant that he could obtain a better plea deal for the Complainant than the other counsel and that if he was unable to do so, he would refund the Complainant his fee. The Complainant thereafter retained the Respondent and paid him \$2,500 in fees. Thereafter, the Respondent represented to the Complainant that he had talked to the prosecutor in the matter and that the Complainant would get probation if he made a charitable contribution to the Boys' Club. The Complainant subsequently gave the Respondent a total of between \$4,200 and \$4,500 to be used as a charitable contribution. However, once in court, the Respondent did not mention any deal for probation, and indicated to

the Complainant that he would have to serve time. The Complainant was sentenced to 15 months, with 3 years probation thereafter. The Respondent never returned any money to the Complainant and never accounted for the charitable contribution money.

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

This reviewing committee concludes by clear and convincing evidence that the Respondent engaged in misconduct. The Respondent's solicitation of the Complainant and his representations as to charitable contributions clearly constituted conduct involving dishonesty, fraud, deceit or misrepresentation, in violation of Rule 8.4(3) of the Rules of Professional Conduct. This conduct was also prejudicial to the administration of justice, in violation of Rule 8.4(4) of the Rules of Professional Conduct. The Respondent's failure to answer the grievance complaint was in violation of Rule 8.1(2) of the Rules of Professional Conduct and Practice Book §2-32(a)(1).

It is the decision of this reviewing committee that the disciplinary counsel is hereby directed to file a presentment against the Respondent in Superior Court for the imposition of whatever discipline is deemed appropriate. Additionally, given the nature of the Respondent's misconduct, it is the recommendation of this reviewing committee that the disciplinary counsel refer this matter to the Chief State's Attorney for the investigation of potential criminal conduct by the Respondent.

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Attorney Thomas Maxwell, Jr.

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Attorney Salvatore DePiano