

STATEWIDE GRIEVANCE COMMITTEE

Solomon Lamar
Complainant

:

vs.

:

Grievance Complaint #07-0613

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 July 2, 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, 8.1(2) and 8.4(3) 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 and the Respondent did not appear at the hearing. 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. Three exhibits were admitted into evidence.

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

In May of 2006, the Complainant retained the Respondent to represent him with regard to a criminal matter. During the representation, the Respondent left the Complainant in court by himself on numerous occasions. The Respondent did not correctly advise the Complainant of court dates and did not appear in court. During the representation, the Respondent promised the Complainant that he would file a motion to suppress but then refused to do so. The Respondent advised the Complainant and his wife that the charges against him were dropped and that the case was thrown out. Thereafter, the Respondent advised the Complainant's wife that the charges had not been dropped. Ultimately, the Complainant pled guilty and was sentenced.

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

This reviewing committee also considered the following:

The Complainant claimed that the Respondent made him plead guilty. The Complainant further claimed that the Respondent told him that if he went to trial, he was going to make sure that the Complainant lost the case. 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 a criminal matter. 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 file a motion to suppress and failing to appear in court on behalf of the Complainant. The Respondent failed to keep the Complainant reasonably informed regarding the status of his criminal matter in violation of Rule 1.4 of the Rules of Professional Conduct. The Respondent misrepresented to the Complainant and his wife the status of the Complainant's criminal matter in violation of Rule 8.4(3) 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 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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Attorney Shari Bornstein

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Attorney David I. Channing