

STATEWIDE GRIEVANCE COMMITTEE

Reshawn Murray
Complainant

:

vs.

:

Grievance Complaint #07-0812

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 August 21, 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 1.1, 1.5 (a) and (b), 8.1(2) and 8.4 (3) and (4) 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.

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

On February 1, 2006, the Complainant retained the Respondent to represent him with regard to a criminal matter. The Complainant paid the Respondent \$5,000 and an additional \$1,000 in connection with the representation. The Respondent did not provide the Complainant with a written fee agreement in connection with the representation. Ultimately, the Complainant pled guilty. The Respondent did not explain to the Complainant before he pled guilty, the range of permissible punishment. The Respondent told the Complainant and his family that the Complainant would be serving a fifty percent sentence when in fact it was an eighty-five percent sentence.

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

This reviewing committee also considered the following:

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 provide the Complainant with a written fee agreement in connection with the representation in violation of Rule 1.5(b) of the Rules of Professional Conduct. The Respondent failed to exercise adequate competence in violation of Rule 1.1 of the Rules of Professional Conduct by failing to provide the Complainant and his family with correct information regarding the length of time of the Complainant's sentence. The Respondent's failure to explain to the Complainant the range of permissible punishment before the Complainant pled guilty constitutes conduct prejudicial to the administration of justice in violation of Rule 8.4(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).

The record lacks clear and convincing evidence that the Respondent charged an unreasonable fee in violation of Rule 1.5(a) of the Rules of Professional Conduct or that the Respondent engaged in conduct involving dishonesty, fraud, deceit or misrepresentation in violation of Rule 8.4(3) of the Rules of Professional Conduct.

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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jf

DECISION DATE: 12/28/07

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Attorney Shari Bornstein

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Attorney David I. Channing