

STATEWIDE GRIEVANCE COMMITTEE

Michael P. Bowler,
Statewide Bar Counsel
Complainant

vs.

Grievance Complaint #08-0455

Michael Murray
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, One Court Street, Middletown, Connecticut on July 9, 2009. The hearing addressed the record of the complaint filed on May 16, 2008, and the probable cause determination filed by the New Britain Judicial District and the Judicial District of Hartford for Geographical Area 12 and the towns of Avon, Bloomfield, Canton, Farmington and West Hartford Grievance Panel on August 23, 2008, finding that there existed probable cause that the Respondent violated Rules 1.15 and 8.1 of the Rules of Professional Conduct and Practice Book §2-27.

This matter was originally scheduled for a hearing on November 4, 2008, but was continued at the request of the Respondent. The matter was thereafter scheduled for a hearing on May 6, 2009, but was also continued at the request of the Respondent. A hearing was subsequently scheduled for July 9, 2009. Notice of the July 9, 2009 hearing was mailed to the Complainant, to the Respondent and to the Office of the Chief Disciplinary Counsel on June 5, 2009. Pursuant to Practice Book §2-35(d), First Assistant Disciplinary Counsel Patricia King pursued the matter before this reviewing committee. The Respondent appeared at the hearing and testified. One exhibit was admitted into evidence. The hearing in this matter was consolidated with the hearing held in connection with Grievance Complaint #08-0974, Bowler v. Murray.

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

On April 4, 2008, the Statewide Grievance Committee was notified by Bank of America of an overdraft in the Respondent's IOLTA account. On April 2, 2008, check number 448 in the amount of \$5,105.40 was presented for payment. The check, dated February 23, 2008, was made payable to Loretta Duncan with a notation indicating "settlement stipulation." There were insufficient funds in the account at the time the check was presented, causing an overdraft of \$4,789.38.

Grievance Complaint #08-0455

Decision

Page 2

On April 14, 2008, the Complainant, Statewide Bar Counsel, requested that the Respondent provide an explanation for the overdraft within ten days. A second request for an explanation was sent to the Respondent on April 30, 2008. Failing to receive a response from the Respondent, the Complainant filed this grievance complaint.

By letter dated May 21, 2008, the Respondent was sent a copy of the grievance complaint by certified mail and notified of his duty under Practice Book §2-32(a)(1) to respond to the complaint within thirty days. Receiving no response to the grievance complaint, Grievance Panel Counsel Richard Florentine wrote to the Respondent on July 18, 2008, requesting a response by August 8, 2008. The Respondent did not respond to the grievance complaint. On September 17, 2008, the Respondent was arrested on a federal indictment for conspiracy to distribute narcotics and other offenses. The Respondent was ordered to an in-patient treatment program where he remained for approximately nine months. On December 11, 2008, the Respondent was placed on interim suspension.

This reviewing committee also considered the following:

At the hearing before this reviewing committee, the Respondent testified that the check issued to Loretta Duncan on February 23, 2008 was for a settlement in a workers' compensation matter handled by his father, George Murray. Prior to his resignation from the practice of law on January 30, 2008, George Murray practiced law with the Respondent. The Respondent testified that after the check was dishonored, money was placed in the account and the check was presented again for payment. The Respondent maintained that his father accompanied the client to the bank to cash the check, which was honored. The Respondent advised this reviewing committee that the IOLTA account was closed on June 5, 2009.

The Respondent has failed to file the annual attorney registration form pursuant to Practice Book §2-27(d) for the years 2007, 2008 and 2009. At the hearing before this reviewing committee on July 9, 2009, the Respondent was advised of his duty to register and provided written directions to do so electronically. To date, the Respondent has failed to file his attorney registration form.

This reviewing committee concludes by clear and convincing evidence that the Respondent engaged in unethical conduct. The record before this reviewing committee indicates that an overdraft occurred in the Respondent's IOLTA account. The Respondent failed to provide any explanation for the cause of the overdraft. Accordingly, we conclude that the Respondent failed to safeguard clients' funds in violation of Rule 1.15(b) of the Rules of Professional Conduct and Practice Book §2-27. We further conclude that the Respondent's failure to respond to the Statewide Bar Counsel's two requests for an explanation for the overdraft constitutes a violation of Rule 8.1(2) of the Rules of Professional Conduct.

Grievance Complaint #08-0455

Decision

Page 3

The record also establishes by clear and convincing evidence that the Respondent has failed to file the annual attorney registration form for the past three years in violation of Practice Book §2-27(d) and that the Respondent failed to respond to the grievance complaint in violation of Practice Book §2-32(a)(1).

This reviewing committee directs Disciplinary Counsel to file a presentment against the Respondent in the Superior Court for the imposition of whatever discipline the court may deem appropriate for the Respondent's violations of Rules 1.15(b) and 8.1 of the Rules of Professional Conduct and Practice Book §2-27. Since the presentment will be a trial de novo, we further direct Disciplinary Counsel to include violations of Practice Book §2-27(d) and 2-32(a)(1).

(3)

asc

DECISION DATE: 10/1/09

Grievance Complaint #08-0455

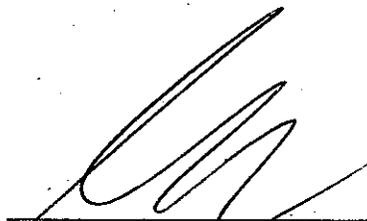
Decision

Page 4



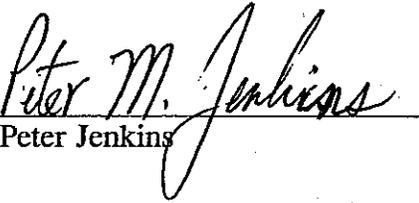
Attorney Howard Gould

Grievance Complaint #08-0455
Decision
Page 5



Attorney Margarita Moore

Grievance Complaint #08-0455
Decision
Page 6


Mr. Peter Jenkins