

STATEWIDE GRIEVANCE COMMITTEE

Angel L. Mendez
Complainant

:

vs.

:

Grievance Complaint #07-0688

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 23, 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, 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.

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

On September 6, 2006, the Complainant retained the Respondent to represent him in connection with two cases. The Complainant gave the Respondent a \$2,000 payment for a case pending in Danbury and \$1,000 for a criminal case in Bantam. One week later, the Respondent informed the Complainant that the Danbury case was settled for \$4,600. Thereafter, the Complainant gave the Respondent \$4,600. The Respondent never gave the court the \$4,600 and never returned to court. The Respondent did not return the \$4,600 to the Complainant. The Respondent did not complete the Complainant's matters.

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. The Respondent engaged in conduct involving dishonesty, fraud, deceit or misrepresentation in violation of Rule 8.4(3) of the Rules of Professional Conduct by representing to the Complainant that his Danbury case was settled for \$4,600 and thereafter taking and keeping the \$4,600 that the Complainant provided him for the settlement of the case. The Respondent failed to exercise reasonable diligence in connection with the representation in violation of Rule 1.3 of the Rules of Professional Conduct, by failing to complete the Complainant's matters. 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