STATEWIDE GRIEVANCE COMMITTEE

Christopher Oliveria Complainant	:	
vs.	:	Grievance Complaint #07-0780
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 13, 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(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 appeared at the hearing and testified. The Respondent did not appear. This reviewing committee also heard the testimony of Anna Paris. One exhibit was admitted into evidence.

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:

The Respondent represented the Complainant in connection with criminal matters. The Complainant was initially charged with third degree larceny. The Respondent assured the Complainant that the case would be thrown out. Subsequently, the Complainant was charged in another case with second degree larceny. Thereafter, the Complainant accepted a second degree larceny guilty plea in connection with an agreement to a five year sentence suspended after one year, with three years probation. The Complainant accepted the agreement with the understanding that the third degree larceny charge would be nolled. The Respondent was not present at the Complainant's January 11, 2006 sentencing. The Complainant was represented by Attorney Ralph Croizer at the sentencing. At the Complainant's sentencing, the Complainant was presented with a

third degree larceny charge. Subsequently, while incarcerated the Complainant learned that the third degree larceny charge had not been nolled. Thereafter, the Complainant's mother, Anna Paris, communicated with the Respondent regarding the third degree larceny charge. The Respondent promised to take care of the matter by bringing the Complainant back to court to rectify it. Further, after the Complainant returned home, the Respondent told the Complainant that the third degree larceny charge would be deleted from his record. However, the third degree larceny was not deleted from the Complainant's record.

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 that the Respondent engaged in unethical conduct in connection with his representation of the Complainant in a criminal matter. The Respondent failed to diligently pursue the resolution of the Complainant's third degree larceny charge in violation of Rule 1.3 of the Rules of Professional Conduct. The Respondent's failure to diligently pursue the resolution of the Complainant's third degree larceny charge also 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 keep the Complainant reasonably informed regarding the status of the representation in violation of Rule 1.4 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). 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: 1/18/08

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Attorney Shari Bornstein

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Attorney David I. Channing