

STATEWIDE GRIEVANCE COMMITTEE

Robert Bachman, Jr.
Complainant

:

vs.

:

Grievance Complaint #07-0689

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 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 appeared at the hearing and testified. The Respondent did not appear. 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 or about March 24, 2007, the Complainant paid the Respondent \$5,750 to represent his incarcerated friend Philip Guglitti with regard to a criminal matter. Thereafter, the Respondent took no action on behalf of Mr. Guglitti. The Respondent never refunded the \$5,750 to the Complainant.

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

This reviewing committee also considered the following:

The Complainant testified that the Respondent never filed an appearance on behalf of Mr. Guglitti. The Complainant further testified that Mr. Guglitti remains incarcerated without legal representation.

This reviewing committee concludes by clear and convincing evidence that the Respondent engaged in unethical conduct. 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 taking \$5750 from the Complainant to represent Mr. Guglitti but taking no action on behalf of Mr. Guglitti and keeping the \$5750. 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 David I. Channing