

**VIRGIN ISLANDS BAR ASSOCIATION
ETHICS AND GRIEVANCE COMMITTEE**
In Re: Michael A. Joseph, Esq. S. Ct. BA No. 5/2004-STX

**NOTICE OF PUBLIC REPRIMAND OF MICHAEL A. JOSEPH AND
NOTICE OF PUBLIC REPRIMAND MEETING**

The Virgin Islands Bar Association Ethics and Grievance Committee hereby issues a Notice of Public Reprimand of Michael A. Joseph of P.O. Box 936, Christiansted, V.I. 00820 dated October 24, 2011. This matter is also set for a **PUBLIC REPRIMAND MEETING** at 3:00 p.m. December 2, 2011 at the Supreme Court of the Virgin Islands, No. 18 Strand Street, Frederiksted, V.I. 00841 and in St. Thomas via video conference at the Supreme Court, 161B Crown Bay, Charlotte Amalie, St. Thomas, V.I. 00802, at which time the Ethics and Grievance Committee shall **ORALLY REPRIMAND** Michael A. Joseph.

UNDERLYING FACTS: In 1997 Michael A. Joseph was retained to represent Grievant Johnny Martinez concerning an appeal of a criminal conviction. Attorney Michael A. Joseph was paid Five Thousand (\$5,000.00) Dollars to file an appeal on behalf of Grievant. Attorney Michael A. Joseph failed to file an appeal on behalf of Grievant. Despite numerous requests by Grievant and Grievant's family members, Attorney Michael A. Joseph failed to return the funds and failed to provide an accounting of money paid. Moreover, Attorney Michael A. Joseph failed to present any evidence in opposition to the grievance and failed to appear at the hearing of this matter.

RULES VIOLATED: MICHAEL A. JOSEPH is hereby **PUBLICLY REPRIMANDED** for violating the following Model Rules of Professional Conduct applicable to members of the Virgin Islands Bar Association pursuant to Supreme Court Rule 203(e):

1. Failure to competently represent Mr. Johnny Martinez, in violation of Rule 1.1;
2. Failure to adequately communicate with Mr. Johnny Martinez in violation of Rule 1.4;
3. Failure to properly handle or account for fees paid in connection with a legal matter in violation of Rule 1.5; and
4. Failure to cooperate with a duly designated Panel appointed to investigate grievances in violation of Rule 8.1.

Dated: this 24 day of October 2011

Diane M. Russell, Esq.
St. Croix Subcommittee Chair
Ethics and Grievance Committee
Virgin Islands Bar Association
11/3/2011