

New Hampshire Supreme Court  
**Professional Conduct Committee**

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*Tremblay, Christopher M. advs. Charles A. Cook #06-019*

**RECOMMENDATION FOR A ONE YEAR SUSPENSION**

On September 18, 2007, the Professional Conduct Committee had deliberations regarding the above referenced matter and recommended that a one year suspension be imposed as a sanction for ethical misconduct as set forth below. The Professional Conduct Committee Panel consisted of Margaret H. Nelson, Chair, Benette Pizzimenti, Vice Chair, Toni M. Gray, Vice Chair, Thomas P. Connair, Reporter, David N. Cole, Alan J. Cronheim, Richard H. Darling, Gretchen Rule Hamel, James R. Martin, David N. Page, and James J. Tenn, Jr.

The Professional Conduct Committee thoroughly reviewed the record in this matter and makes factual findings and rulings of law as detailed below.

**I. FACTUAL FINDINGS**

The Professional Conduct Committee has determined that the record supports the following factual findings of the Hearing Panel by clear and convincing evidence:

1. Mr. Tremblay is an attorney licensed to practice law in New Hampshire. Mr. Tremblay was admitted to practice on October 29, 1999. At times material to this proceeding, Mr. Tremblay has utilized the following address: Law Office of Christopher M. Tremblay, 10 Wildemere Terrace, Concord, New Hampshire 03301.
2. Mr. Tremblay is not licensed to practice law in Massachusetts.
3. On or about December 10, 2004, Massachusetts attorney, Charles A. Cook, Esq., of Morrison Mahoney, LLP in Boston, Massachusetts filed a lawsuit in Norfolk County Superior Court on behalf of his client, Robert K. Watson. Defendants in that case included Arthur P. Pearce, III (individually), Driscoll Pearce, Inc. and Northern States Insurance Agency (docket #2004-01574) (hereinafter referred to as the "Lawsuit").
4. On or about December 28, 2004, Mr. Tremblay filed a pleading in the Lawsuit entitled, "Defendants' Motion for Honorable Court's Permission Allowing Out of State Counsel to Appear on Their Behalf" (hereinafter referred to as "Motion for Admission"). In paragraph 8 of the Motion for Admission, Mr. Tremblay included a statement that he was admitted and "in good standing" with the New Hampshire Bar.
5. Mr. Tremblay filed this motion so that he could appear in the Lawsuit and represent the aforementioned defendants.

6. On or about May 20, 2005, the Norfolk County Superior Court (Borenstein, J.), granted Mr. Tremblay's Motion for Admission.
7. On or about January 13, 2006, the New Hampshire Bar Association suspended Mr. Tremblay for non-payment of bar dues.
8. On April 12, 2006, and while still under suspension in New Hampshire, Mr. Tremblay appeared before Judge John T. Lu in Norfolk County Superior Court on the Lawsuit. Mr. Tremblay did not advise the Court of his suspension by the New Hampshire Bar.
9. In an Order dated April 24, 2006, the New Hampshire Supreme Court suspended Mr. Tremblay for failure to pay delinquency fees associated with the late filing of his 2005 certificate of compliance with New Hampshire Bar requirements. This suspension was independent of the earlier suspension imposed by the Bar.
10. In a letter to the Norfolk County Superior Court dated April 26, 2006, Mr. Cook informed the Court of Mr. Tremblay's suspension in New Hampshire. On that same date, the Norfolk County Superior Court (Lu, J.) rescinded Mr. Tremblay's admission by permission.
11. Thereafter, Mr. Tremblay paid his bar dues and was reinstated effective May 2, 2006, as an active member of the New Hampshire Bar. However, Mr. Tremblay was still under the April 24, 2006, Court-ordered suspension.

12. On or about April 26, 2006, Mr. Cook filed a grievance against Mr. Tremblay alleging professional misconduct for, inter alia, Mr. Tremblay's failure to inform the Norfolk County Superior Court of his New Hampshire suspension.
13. In an Order dated May 30, 2006, the New Hampshire Supreme Court lifted the April 24, 2006, suspension as a result of Mr. Tremblay's payment of his delinquency fees.
14. In a letter dated May 3, 2006, James L. DeHart, General Counsel to the New Hampshire Supreme Court Attorney Discipline Office, informed Mr. Tremblay that the Attorney Discipline Office had docketed a complaint against him on the basis of Mr. Cook's allegations (hereinafter "May 3, 2006, Letter").
15. The Attorney Discipline Office mailed the May 3, 2006, Letter to Mr. Tremblay's last known address (10 Wildemere Terrace, Concord, New Hampshire, 03301) on file with the New Hampshire Bar Association.
16. The Attorney Discipline Office made further efforts to reach Mr. Tremblay with a follow-up letter dated June 23, 2006.
17. As of July 26, 2007, the date of the convening of the hearing panel, Mr. Tremblay had not responded to any inquiries or correspondence of the Attorney Discipline Office.

## **II. RULINGS OF LAW**

The above-listed facts having been found by clear and convincing evidence, the

Professional Conduct Committee concludes that there is clear and convincing evidence that Christopher M. Tremblay has violated the Rules of Professional Conduct as follows:

**Massachusetts Rule 1.16(a) and New Hampshire Rule 1.16(a) Declining or**

**Terminating Representation:**

18. After Mr. Tremblay's license to practice was suspended by the New Hampshire Bar on January 13, 2006, he was no longer entitled to practice law in New Hampshire. See Constitution N.H. Bar Assn, Article II, Section 6; see also In re Petition of New Hampshire Bar Assn, 151 N.H. 112 (2004); In re Unified New Hampshire Bar, 112 N.H. 204 (1972); In re Unification of New Hampshire Bar, 109 N.H. 260, 263-68 (1968).
19. Mr. Tremblay's right to practice law in the Norfolk County Superior Court was conditioned on his good standing as a member of the New Hampshire Bar. M.G.L. 221 § 46A. Therefore, after his suspension Mr. Tremblay had an obligation to withdraw from representing his clients in the Norfolk County Superior Court, and his continued representation of his clients in that court was a violation of M.G.L. 22 § 46A. See also Constitution N.H. Bar Assn, Article II, § 6.
20. There is clear and convincing evidence that Mr. Tremblay's failure to withdraw from representing his clients after his January 13, 2006, suspension constitutes a violation of N.H. R. Prof. Conduct 1.16(a)(1).

**Massachusetts Rule 3.3(a)(4) Candor Toward A Tribunal:**

21. Between January 13, 2006, and May 30, 2006, Mr. Tremblay failed to disclose to the Norfolk County Superior Court that he had been suspended from the practice of law in New Hampshire.
22. As of January 13, 2006, the date of his Bar suspension, Mr. Tremblay knew that his assertion in his Motion for Admission that he was a lawyer in good standing in New Hampshire was no longer true.
23. Mr. Tremblay's representation in his Motion for Admission that he was a lawyer in good standing in New Hampshire was the basis on which that motion was granted. See M.G.L., 221 § 46A. Mr. Tremblay's status as a lawyer in good standing was a material fact in the Norfolk County Superior Court's decision to allow him to practice law in that Court.
24. As of the date of his suspension by the New Hampshire Bar (January 13, 2006), Mr. Tremblay was aware of the fact that he had offered material evidence that was now false. He was required to take reasonable remedial measures to correct the false evidence. Mr. Tremblay did not take any such measures.
25. On April 12, 2006, and while still under Court-ordered suspension in New Hampshire, Mr. Tremblay appeared before Judge John T. Lu in Norfolk County Superior Court on the Lawsuit. Mr. Tremblay did not advise the Court of his suspension in New Hampshire.

26. Mr. Tremblay did not inform the Court of his suspension at any time. Rather, the Court learned of Mr. Tremblay's suspension from Mr. Cook. As soon as the Norfolk County Superior Court was made aware of Mr. Tremblay's change in status, that Court terminated his admission by permission.
27. There is clear and convincing evidence that Mr. Tremblay's failure to disclose to the Norfolk County Superior Court his January 13, 2006, suspension from the practice of law in New Hampshire constitutes a violation of N.H. R. Prof. Conduct 3.3(a)(3).

**Massachusetts Rule 5.5(a) and New Hampshire Rule 5.5(a) Unauthorized Practice of Law:**

28. Mr. Tremblay is not and has never been licensed to practice law in Massachusetts.
29. Mr. Tremblay was representing his clients in Norfolk County Superior Court based on his good standing as a member of the New Hampshire Bar.
30. As of January 13, 2006, Mr. Tremblay was no longer a lawyer in good standing in the New Hampshire Bar.
31. By failing to inform the Norfolk County Superior Court of his change in status and thereby continuing to practice law in connection with a Massachusetts proceeding, Mr. Tremblay was practicing law in violation of M.G.L. 221 § 46A.
32. As of January 13, 2006, Mr. Tremblay had no lawful basis on which to practice law in either New Hampshire or Massachusetts.

33. From January 13, 2006 through May 30, 2006, Mr. Tremblay was engaged in the unauthorized practice of law in Massachusetts.
34. There is clear and convincing evidence that Mr. Tremblay's continued representation of his clients between January 13 and May 30, 2006, constitutes a violation of N.H. R. Prof. Conduct 5.5(a).

**New Hampshire Rule 8.1(b) Failure to Cooperate:**

35. In its May 3, 2006, Letter, the Attorney Discipline Office informed Mr. Tremblay that that it had docketed a complaint against him based upon Mr. Cook's allegations.
36. The May 3, 2006, Letter, informed Mr. Tremblay that, pursuant to N.H. Sup. Ct. R. 37A(II)(a)(5)(C), Mr. Tremblay was required to respond within 30 days.
37. The Attorney Discipline Office also wrote to Mr. Tremblay on June 23, 2006, reminding him of the complaint and of his obligation to respond.
38. As of July 26, 2007, the date of the convening of the hearing panel, Mr. Tremblay had not responded to either correspondence.
39. There is clear and convincing evidence that Mr. Tremblay's failure to respond to the May 3, 2006, Letter and to the Attorney Discipline Office's correspondence of June 23, 2006, constitutes a violation of N.H. R. Prof. Conduct 8.1(b).

**Massachusetts Rule and New Hampshire Rule 8.4(c) Misrepresentation:**

40. Mr. Tremblay is not and has never been licensed to practice law in Massachusetts.
41. Mr. Tremblay was representing his clients in Norfolk County Superior Court based on his good standing as a member of the New Hampshire Bar.
42. As of January 13, 2006, Mr. Tremblay was no longer a lawyer in good standing in the New Hampshire Bar.
43. By failing to inform the Norfolk County Superior Court of his change in status, and thereby continuing to practice law in that Court, Mr. Tremblay was practicing law under false pretenses.
44. Mr. Tremblay's failure after January 13, 2006, to inform the Norfolk County Superior Court of his change in status constitutes a continuing act of deceit and misrepresentation before that Court.
45. There is clear and convincing evidence that Mr. Tremblay's conduct in this regard constitutes a violation of N.H. R. Prof. Conduct 8.4(c).

**Massachusetts Rule and New Hampshire Rule 8.4(a) Misconduct:**

46. Because there exists clear and convincing evidence of violation of the aforementioned Rules, there is necessarily clear and convincing evidence of a violation of Rule 8.4(a).

**III. DISCUSSION**

Following a careful review of the record by the PCC panel members sitting, there was lengthy debate regarding the appropriate sanction to be imposed. There were no mitigating or aggravating circumstances in the record to be considered. Although Mr. Tremblay's conduct presented clear ethical violations, the panel agreed with the hearing panel's conclusion below that neither his conduct nor his lack of respect for the disciplinary process would justify the sanction of disbarment. Mr. Tremblay did not have a prior record of conduct that warranted disciplinary sanctions other than nonpayment of Bar dues, which he promptly cured.

#### **IV. SANCTION**

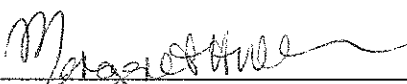
Having made the aforementioned findings and rulings, the Professional Conduct Committee, by majority vote, concludes that the appropriate discipline in this matter is a one year suspension from the practice of law. This sanction is in accord with the purposes of attorney discipline as described by The N.H. S. Ct See, e.g., Feld's Case, 149 NH 19, 28 (2002). This sanction is also in accord with the ABA Center for Professional Responsibility, Standards for Imposing Lawyer Sanctions (1991). See, e.g., Shillen's Case, 149 N.H. 132, 139 (2003) (noting that, although the Court has never formally adopted these Standards, the Court has "considered them when imposing sanctions").

#### **V. CONCLUSION**

For all of the above reasons, the Professional Conduct Committee recommends a

sanction of a **One Year Suspension** from the practice of law for Christopher M. Tremblay, Esq. for violating N.H. Rules of Professional Conduct: 1.16(a), 3.3(a)(4), 5.5(a), 8.1(b), 8.4(c) and 8.4(a), and directs Disciplinary Counsel to seek the imposition thereof; and also recommends an assessment of the expenses and costs incurred by the Professional Conduct Committee for the investigation and prosecution of this matter.

November 13, 2007

By:   
Margaret H. Nelson, Esquire  
Chair

Distribution:

Christopher M. Tremblay, Esquire  
Landy B. McCafferty, Disciplinary Counsel  
File