

New Hampshire Supreme Court
Professional Conduct Committee

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Cronin, John J., III advs. Brenda L. Tilton # 05-038

ORDER ON MOTION FOR RECONSIDERATION

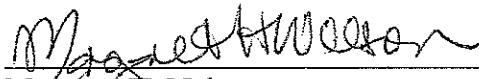
On February 19, 2008, the Professional Conduct Committee considered the Respondent's Motion for Reconsideration, Affidavit of John J. Cronin, III, and Request for Hearing, and Assistant Disciplinary Counsel's Objection to Respondent's Motion for Reconsideration and Request for Hearing.

The Committee's order of January 18, 2008, imposing a six month suspension for the Respondent's violations of certain Rules is consistent with relevant decisions of the New Hampshire Supreme Court and the ABA Standards cited in the Committee's initial decision. However, based on the information provided by the Respondent in his Motion for Reconsideration and his Affidavit, the Committee grants his Motion for Reconsideration. Respondent's Request for a Hearing is denied. In light of the history of Respondent's practice, his community activities, and his current recognition of the requirements imposed by the cited Rules, it is the Committee's view that the public can be protected by staying the imposition of the six month suspension for a period of two years based on certain conditions.

The Respondent is directed to take the Multi-state Professional Responsibility Examination ("the MPRE") and provide the Committee with confirmation of his successful passage of that test within one year of the date of this order. The Respondent will bear all the costs associated with the MPRE. The Respondent's financial records will be subject to random

audits for a period of two years and the Respondent will also reimburse the Committee for all costs associated with its investigation and prosecution of this matter. If Respondent demonstrates full compliance with the stated conditions for the two year period, the suspension will not be imposed.

February 26, 2008



Margaret H. Nelson

Chair

Distribution:

Russell F. Hilliard, Esquire

James L. Kruse, Assistant Disciplinary Counsel

Craig A. Calaman, CPA

Brenda L. Tilton

File

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SIX MONTH SUSPENSION WITH CONDITIONS

On October 16, 2007, the Professional Conduct Committee heard oral arguments in the above- referenced matter. James L. Kruse, Assistant Disciplinary Counsel appeared for the Attorney Discipline Office, Russell F. Hilliard, Esquire, appeared on behalf of Mr. Cronin.

Committee members were Benette Pizzimenti, Vice Chair, Gerald A. Daley, Richard H. Darling, Gretchen Rule Hamel, James R. Martin, David N. Page, Alan J. Cronheim and Thomas P. Connair. Vice Chair Toni M. Gray and David N. Cole were recused, Margaret H. Nelson, Chair, was absent for deliberations.

Having reviewed the record, including the Notice of Charges, Answer, Jointly Submitted Exhibits, Joint Waiver of Hearings Committee Process, Stipulation of Facts, Disciplinary Counsel's Memorandum of Law on Rule Violations, Disciplinary Counsel's Memorandum on Sanction, and Respondent's Hearing Memorandum, the Professional Conduct Committee makes factual findings and rulings as detailed below:

I. FACTUAL FINDINGS

The Professional Conduct Committee accepts the Stipulation of Facts by clear and convincing evidence as follows:

1. Mr. Cronin is an attorney licensed to practice law in New Hampshire. Mr. Cronin was admitted to practice in 1978. At all times material to this proceeding, Mr. Cronin

operated his law office as Cronin Law Offices, 388 Greenfield Road, Bennington, New Hampshire 03442.

2. The Complainant is Brenda L. Tilton of 51 Union Street, Peterborough, New Hampshire 03458. She was formerly employed as a secretary in Mr. Cronin's office. Ms. Tilton filed a sworn complaint by letters of March 25 and 29, 2005, with additional correspondence dated April 29, 2005. Ms. Tilton alleges, among other things, that Mr. Cronin mishandled client funds and falsely attested to the execution of a client's will.
3. Mr. Cronin responded to Ms. Tilton's complaint by letter of April 25, 2005. He also agreed to an audit of his firm's accounting records. Craig A. Calaman, CPA, staff auditor for the Attorney Discipline Office, completed the audit and reported his findings on October 10, 2005.
4. Mr. Calaman's audit included examination and analysis of Mr. Cronin's client trust account and his firm operating account principally for the period, January 1, 2003, through June 30, 2005. Mr. Calaman also examined those accounts in connection with certain selected client matters involving handling of funds in 2001 and 2002. Mr. Calaman's audit report is incorporated herein.
5. The aforementioned audit reflected that Mr. Cronin maintained a client trust account and that client ledgers for such account were prepared and accurately maintained.
6. With respect to some client matters (involving criminal, divorce and other litigated disputes) accepted by Mr. Cronin during the period, February 2001 to June 2005, as set forth below, Mr. Cronin received funds from clients in excess of charges recorded for services rendered and expenses incurred at the time of receipt of such funds. Mr. Cronin held such funds in his office or deposited them into his operating account pending recording of additional charges and expenses.
7. Disbursements to and on behalf of clients in these matters were made from Mr. Cronin's operating account.
8. Relevant client matters are summarized as follows:
 - a) Hardwick (real estate contract dispute): Mr. Hardwick paid Mr. Cronin \$5000 in February 2001. There is no record of a bank deposit of such funds. Mr. Cronin concluded his work for Mr. Hardwick in April 2001, for which he had billed

approximately \$300. Following receipt of an inquiry from Mr. Hardwick in June 2004, Mr. Cronin made a disbursement to Mr. Hardwick from Mr. Cronin's operating account in the amount of \$2500. The disbursement check was identified as "Return Unused Retainer."

- b) Marconi (property dispute): Ms. Marconi paid Mr. Cronin \$2500 on July 17, 2002. As of that date, \$56 in charges had been recorded. A March 12, 2003 invoice reflected that recorded charges and expenses through November 21, 2002, totaled \$1731. The funds paid by Ms. Marconi were deposited into Mr. Cronin's operating account. On March 12, 2003, Mr. Cronin made a disbursement to Ms. Marconi from the operating account in the amount of \$769. The disbursement was identified as "balance of the Retainer."
- c) Ferrill (domestic relations): Ms. Ferrill paid \$2500 to Mr. Cronin on October 10, 2002. As of that date, \$469 in charges had been recorded. In April 2003, Mr. Cronin asked that Ms. Ferrill forward "an additional retainer in the amount of \$2500." Mr. Cronin represented that he would "continue to bill against that at my customary . . . rates as we have previously discussed." Ms. Ferrill tendered the additional funds on April 28, 2003. As of that date, Ms. Ferrill had paid in a total of \$5000. Recorded charges and expenses at that time totaled \$2374. All of such funds paid by Ms. Ferrill were deposited into Mr. Cronin's operating account. In December 2003, Mr. Cronin made a disbursement to Ms. Ferrill from the operating account in the amount of \$349. The disbursement check was identified as "Unused legal fees paid."
- d) Comeau (domestic relations): On June 23, 2003, Ms. Comeau paid Mr. Cronin \$1250 (including \$650 in cash). Charges and expenses recorded through July 23 totaled \$449. Additional amounts were paid by Ms. Comeau (in cash and by check) in July, November, and December 2003, and January 2004, for a total of \$2150. There is no record of any bank deposits of these funds. Invoices dated September 18, 2003, and October 6, 2003, each reflected that Ms. Comeau had paid in to Mr. Cronin more than the recorded charges and expenses. In February,

2004, Mr. Cronin made a disbursement for copies of court documents from his operating account. Mr. Cronin's records reflected a final balance due of \$350.

- e) McMahan (domestic relations; criminal): Mr. Cronin wrote to Mr. McMahan in February 2004, confirming his willingness to represent Mr. McMahan in a domestic violence matter in district court and a divorce matter in superior court. Mr. Cronin requested "a Retainer in the amount of \$2500" and represented that "my fees will be charged against the Retainer at my regular rate. . . ." On March 19, 2004, Mr. McMahan paid Mr. Cronin \$2500 in cash. There is no record of a bank deposit of these funds paid by Mr. McMahan. As of that time of receipt, recorded charges through February 10, 2004, totaled \$631.25. An April 26, 2004, invoice reflects that recorded charges through April 18, 2004, totaled \$1148.75.
- f) Bishop-Timtson (domestic relations): In March 2004, Ms. Bishop-Timtson paid Mr. Cronin \$3000. She labeled the payments as "divorce retainer." There is no record of a bank deposit of such funds paid by Ms. Bishop-Timtson. Charges recorded through April 20, 2004, totaled \$930. Mr. Cronin made subsequent disbursements from the operating account, including refunds totaling \$2088. Included in the refunds was a check to Ms. Bishop-Timtson in April 2004, in the amount of \$1923, identified as "Return unused portion of Retainer."
- g) Ferren (property dispute): Ms. Ferren paid Mr. Cronin a total of \$3000 in installments during the period, April to June 2004. There is no record of any initial bank deposits of such funds. As of April 23, after the initial \$1000 installment was paid, recorded charges totaled \$322.50. As of the payment of the second \$1000 installment on May 3, 2004, Mr. Cronin had recorded an additional \$435 in charges. In September 2004, Mr. Cronin disbursed \$1963 to Ms. Ferren from the operating account. The disbursement was identified as "return unused retainer funds."
- h) Wylie (domestic relations): On May 5, 2004, Mr. Cronin wrote to Mr. Wylie, indicating, "Retainer requested: \$2000." On May 11, 2004, Mr. Wylie paid the \$2000 requested. Between May 5 and May 11, recorded fees totaled \$255. There is no record of a bank deposit of funds paid by Mr. Wylie. In June 2004, Mr.

Cronin disbursed \$1602.50 to Mr. Wylie out of the operating account. The disbursement check was identified as "return unused portion of Retainer."

- i) Mosher (domestic relations): On June 14, 2004, Ms. Mosher paid Mr. Cronin \$5000. Mr. Cronin's records reflect receipt of "Retainer-\$5000" from Ms. Mosher. Between June 3 and August 2, 2004, recorded charges and expenses totaled \$3613. There is no record of a bank deposit of funds paid by Ms. Mosher. Mr. Cronin made subsequent disbursements from the operating account, including a check to Ms. Mosher in November 2004, in the amount of \$637. The disbursement check was identified as "Return of unused balance of retainer."
9. With respect to a domestic relations case for Ms. Fortune, Mr. Cronin received \$23,866 in cash from his client on July 22, 2004. The sum represented the balance of funds withdrawn by Ms. Fortune from a joint account with her husband, and was the subject of some dispute between the parties. Mr. Cronin made no immediate bank deposit of the funds. He held the cash in his office until August 17, 2004. He then deposited the funds into a special interest-bearing trust account, pursuant to a Court order of August 12, 2004.
10. In the fall of 2003, Mr. Cronin met with his client, Irene Justason, and prepared a Last Will and Testament for her.
11. Ms. Justason was scheduled to appear at Mr. Cronin's office to execute her will on October 23, 2003. Mr. Cronin determined that he had to leave the office before Ms. Justason's appointment. He remembers calling Ms. Justason to advise her that he would not be present.
12. Prior to leaving the office on October 23, 2003, and in advance of Ms. Justason's arrival, Mr. Cronin signed Ms. Justason's will as a witness to her execution of the document. Ms. Justason later appeared at Mr. Cronin's office and executed her will in the presence of two office employees. Mr. Cronin did not witness Ms. Justason's execution of her will; nor was he present at any time Ms. Justason was at his office on October 23, 2003.

During Oral Argument, Mr. Cronin stipulated to the facts contained in the Audit Report prepared by Craig A. Calaman, CPA dated October 10, 2005. (Tr. 10/16/07, at 20-21; Jointly Submitted Exhibits 14, 15).

II. RULINGS OF LAW

The above facts having been found by clear and convincing evidence, the Professional Conduct Committee concludes that there is clear and convincing evidence that Mr. Cronin violated the following Rules of Professional Conduct:

Rule 1.15(a)(1): Safekeeping Property

The Committee finds by clear and convincing evidence that Mr. Cronin repeatedly violated Rule 1.15(a)(1) by putting retainers in his operating account in nine separate matters rather than placing them in a client trust account. (Ex. 14 pp. 16-22).

The Committee finds by clear and convincing evidence that Mr. Cronin also violated Rule 1.15(a)(1) and Supreme Court Rule 50(2)(B) by accepting \$23,866.00 in cash, by failing to deposit these funds in a trust account, by keeping the cash in his desk drawer or file cabinet for approximately one month, and by placing the funds in trust only after he was ordered to do so by Hillsborough County Superior Court. (Exs 13, 15; Stipulation of Facts ¶ 9).

Rule 8.4(c): Misconduct

The Committee finds by clear and convincing evidence that Mr. Cronin violated Rule 8.4(c) by signing a will as a witness for a client, while neither the Testatrix nor the other witnesses were present (Stipulation of Facts ¶ 10-12). The will states: "Signed, sealed, and declared by the said Irene E. Justason as and for her will, in the presence of us, who at her request, in her presence, and in the presence of each other, hereunto to subscribe our names as witnesses." (Ex. 5, at 57). Respondent also caused the Justice of the Peace, Diane A. Kraemer, an employee of Mr. Cronin, to notarize the will stating:

"3. Each Witness signed at the request of the testatrix, in her presence, and in the presence of the other witness." (Ex. 5 at 57).

Rule 8.4(a): Misconduct

The Committee finds by clear and convincing evidence that Mr. Cronin violated Rule 8.4(a) by violating Rules 1.15(a)(1) and 8.4(c).

III. ANALYSIS

Rule 1.15(a)(1) violations:

Rule 1.15(a)(1) requires an attorney in possession of funds belonging to a client to place those funds in a client trust account, and provides in pertinent part:

Property of clients or third persons which a lawyer is holding in the lawyer's possession in connection with a representation shall be held separate from the lawyer's own property. Funds shall be deposited in one or more clearly designated trust accounts in accordance with the provisions of the New Hampshire Supreme Court Rules.

Mr. Cronin in nine matters detailed in the Audit Report did not place client funds into a trust account but instead deposited them into his operating account. While Mr. Cronin maintained throughout these proceedings that he was entitled to place all of the funds into his operating account because they were "flat fees" fully earned at the time of receipt, his practice and handling of those funds over an extended period of time belies that claim. He billed those clients on an hourly basis and at the conclusion of the matter refunded unearned fees, or a portion of them (Stipulation; Ex. 14, 15).

In the Hardwick matter, Mr. Cronin received \$5,000 in February, 2001. There is no record of a bank deposit of those funds. Mr. Cronin completed his work for Mr. Hardwick in April, 2001, for which he had billed approximately \$300. In June, 2004, Mr. Hardwick requested a refund of unearned fees. Mr. Cronin refunded \$2,500 on June 14, 2004. The remaining \$2,200 is unaccounted for. No explanation was provided for Mr. Cronin's failure to refund \$4,700, rather than \$2,500 (Stipulation ¶ 8(a); Ex. 14, p. 22; Ex. 15, pp. 181, 182).

None of the fees forming the basis of this matter were paid pursuant to a general retainer agreement or were in any way designated "non-refundable." Indeed, the contemporary evidence is all to the contrary. (Ex. 9, pp. 75-77.) None of the unearned fees were deposited in a client trust account.

All of these client funds held in Mr. Cronin's operating account were at risk. All of these

client funds were subject to attachment by creditors of Mr. Cronin. None were safeguarded as required by Rule 1.15(a)(1).

The \$23,591.00 received in cash by Mr. Cronin on July 22, 2004, was at even greater risk. These escrow funds, part of a divorce, were held by Mr. Cronin either in his desk drawer or in a file cabinet from July 22, 2004, until August 17, 2004, when Mr. Cronin complied with an August 12, 2004, Hillsborough County Superior Court Order to place the funds in a client trust account. (Ex. 15 pp. 25-26; Stipulation, ¶ 9). These funds were not only at risk to creditors of Mr. Cronin but they were also at risk of theft or burglary.

All of the above constitute clear, repeated and flagrant violations of the lawyer's duty to safeguard client funds by placing them in a client trust account. The Professional Conduct Committee finds by clear and convincing evidence that Mr. Cronin violated Rule 1.15(a)(1) and Supreme Court Rule 50(2)(B). Doherty's Case, 142 N.H. 446 (1997) is instructive. There, Doherty argued that a \$10,000 retainer he received to file a bankruptcy petition was a nonrefundable retainer which he deposited into his operating account rather than a client trust account. Mr. Doherty subsequently withdrew from the matter, however, the bankruptcy court ordered Mr. Doherty to refund the \$10,000. Doherty refused to return the funds and filed for personal bankruptcy seeking to have the \$10,000 debt discharged. The bankruptcy court held that the debt was not dischargeable and that there was "no such thing as a non-refundable, earned-upon-receipt retainer for an attorney" representing a debtor in a bankruptcy proceeding. In re Ducey, 160 B.R. 465, 473 (Bankr.) N.H. (1993) (quoted in Doherty, supra, at 449-450). The bankruptcy court noted that Doherty's failure to deposit the \$10,000 into a client trust account violated Rule 1.15(a)(1) of the Rules of Professional Conduct.

Mr. Cronin's acceptance of unearned client funds which he failed to place in a client trust account, places him in the same position as Doherty. In Doherty, the New Hampshire Supreme Court affirmed a referee's findings that Doherty violated Rule 1.15(a)(1) and Supreme Court Rule 50(2)(B) by failing to deposit the unearned funds into a client trust account. The Court ordered a two year suspension (Doherty's Case, 142 N.H. pp. 449-453).

Rule 8.4(c) Violation

Mr. Cronin violated Rule 8.4(c) when he signed a will as a witness, when neither the testatrix nor the other witness was present. (Stipulation, ¶ 9-12). See New Hampshire Rules of Professional Conduct 8.4(c).

Mr. Cronin also caused the other witness, as well as the Justice of the Peace, to sign a document attesting that all were present and witnessed each other's signatures (Ex. 5, p. 57). Had the testatrix died before the new will was prepared, the will could have been challenged and set aside as invalid. Signing the will in the absence of the testatrix or the other witness violated Mr. Cronin's duty as a lawyer and damaged the integrity of the judicial system. Attesting to the execution of a client's will under the above circumstances constitutes clear and convincing evidence of a violation of Rule 8.4(c).

Rule 8.4(a) Violation

Having found that Mr. Cronin committed numerous violations of Rule 1.15(a)(1) and violated Rule 8.4(c), Mr. Cronin necessarily violated Rule 8.4(a).

IV. SANCTION

Having found that Mr. Cronin violated the Rules of Professional Conduct noted above, the Committee considered the appropriate sanction. In determining the sanction, the Committee is mindful that the purpose of attorney discipline is to protect the public, maintain public confidence in the bar, preserve the integrity of the legal profession, and prevent similar conduct in the future; the purpose is not to inflict punishment. We judge each attorney discipline case upon its own facts and circumstances, taking into account the severity of the misconduct and any aggravating or mitigating circumstances appearing in the record. Coddington's Case, 155 N.H. 66 (2007).

Although the Supreme Court has not adopted the American Bar Association's Standards

for Imposing Lawyer Sanctions (2005) (Standards), we look to them for guidance. Id. The Standards list the following factors for consideration in imposing sanctions: (a) the duty violated; (b) the lawyer's mental state; (c) the actual or potential injury caused by the lawyer's misconduct; and (d) the existence of aggravating or mitigating factors. Standards, supra § 3.0; Coddington's Case, 155 N.H. 66 (2007).

In applying these factors, we first categorize the respondent's misconduct and then identify the appropriate sanction. Coddington's Case, 155 N.H. 66 (2007). We then consider the effect of any aggravating or mitigating factors on the ultimate sanction. Id.

According to the Standards, "Disbarment is generally appropriate when a lawyer knowingly converts client property and causes injury or potential injury to a client." Standards, supra § 4.11. However, suspension is generally warranted when "a lawyer knows or should know that he is dealing improperly with client property and causes injury or potential injury to a client." Standards, supra, § 4.12. Richmond's Case, 153 N.H. 729 (2006).

Here, Mr. Cronin did not "knowingly convert" client property; indeed in most instances he returned unearned fees. The notable exception is the Hardwick matter, noted above, where Mr. Cronin, apparently through negligence, failed to return all of the unearned fees. Mr. Cronin did however, know or should have known that he was dealing improperly with client funds. All of his contemporaneous records demonstrate that he treated the funds initially deposited with him by clients as unearned fees—not flat fees. He billed hourly against those funds and refunded unearned fees at the completion of the engagement. Nevertheless, as demonstrated by the audit, and as Mr. Cronin acknowledges, he deposited these funds in his operating account rather than a client trust account. He failed to safeguard those funds and as an experienced attorney knew, or should have known, that they were at risk of seizure by creditors.

The \$23,591.00 in cash entrusted to him is even more troubling. Mr. Cronin does not contend that this sum represented earned fees or a flat fee, yet he failed to safeguard the funds, instead keeping them in his office where they were subject to risk of seizure, fire or burglary.

The risk to which all of these client funds were subjected, constitute “potential injury” within the meaning of the Standards.

Mr. Cronin’s violation of Rule 8.4(c) by falsely signing a will as a witness, when he in fact witnessed nothing was a deceptive act but was not committed for his personal gain and was apparently an isolated event. There is no question but that Mr. Cronin knows that signing the will in the absence of the testatrix and the other witness was wrong. Had the will been submitted to the Court Mr. Cronin would have known that it contained a false statement. The Standards provide that suspension is generally appropriate when a lawyer knows that false statements or documents are being submitted to the Court and causes potential injury to a party. Standards § 6.12. Here the will was not submitted to the Court but was subsequently amended by the testatrix with the assistance of another attorney. Mr. Cronin, through no action of his own, was saved from a more serious violation. His false signing did however cause potential injury to his client because the will was subject to attack as void.

We next address the aggravating and mitigating circumstances. Mr. Cronin relies, in mitigation, on the fact that he has no prior disciplinary history. In aggravation, the Committee notes that Mr. Cronin has shown no remorse, indeed throughout these proceedings he has refused to acknowledge any violation of Rule 1.15(a)(1), maintaining, despite all of the evidence to the contrary, that the funds received from clients were “flat fees” or “earned fees.” This argument is neither persuasive nor credible. In addition, Mr. Cronin has been practicing law in New Hampshire since 1978.

Mr. Cronin argues in mitigation that he has a clean disciplinary record, that he lacked a dishonest motive and that Rule 1.15(a)(1) is unclear. A clean disciplinary record is a factor to be taken into consideration in mitigation. In addition, the Committee did not find that Mr. Cronin acted with a dishonest motive. However, we believe that Rule 1.15(a)(1) as it was drawn at the time of these violations was clear and that Mr. Cronin knew or should have known that his failure over a three year period to place client funds in trust, violated Rule 1.15(a)(1).

Aggravating factors include the number of violations over an extended period as well as Mr. Cronin's failure, throughout the proceedings to acknowledge his obligation to place client funds in trust accounts. To the bitter end, Mr. Cronin maintained that each of these deposits of funds in his operating account was proper because each constituted "flat fees" or fixed fees. Unfortunately there are no contemporaneous documents of any kind, supporting those assertions. To the contrary, Mr. Cronin kept hourly records and billed on an hourly basis. He determined the amount of any refunds given based on his hourly billing.

Under the totality of the circumstances, including the multiple violations of Rule 1.15(a)(1), his violation of Rule 8.4(c) and violation of Rule 8.4(a), the Professional Conduct Committee concludes that the appropriate sanction is a six month suspension with the condition that Mr. Cronin submit to random audits of his office operations, including, specifically, compliance with Rule 1.15 and Supreme Court Rule 50, at Mr. Cronin's expense for a period of two years commencing on his resumption of the practice of law following his suspension. Mr. Cronin shall also take and pass the Multi-state Professional Responsibility Examination during the period of suspension. Mr. Cronin is also assessed the costs of the Professional Conduct Committee's expenses in the investigation and prosecution of this matter. New Hampshire Supreme Court Rule 37(3). The suspension shall take effect on April 1, 2008.

To the extent that Mr. Cronin has not filed withdrawals in pending cases by April 1, 2008 or has not arranged for substitute counsel for his clients by that date, he shall notify by registered or certified mail, return receipt requested each client who is involved in litigated matters or administrative proceedings and the attorney or attorneys for each adverse party in such matters or proceedings of his suspension and consequent inability to act as an attorney as of the suspension date. The notice to be given to his clients shall advise that alternate counsel should be promptly obtained. Supreme Court Rule 38(13).

Mr. Cronin shall be reinstated on October 1, 2008, without further hearing before this Committee on condition that he provide the Committee with verification that he has successfully

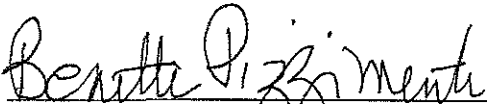
completed the multi-state professional responsibility examination after April 1, 2008 and has complied with all terms of the Order. Supreme Court Rule 37(3)(14).

Following Mr. Cronin's reinstatement as described above, the Attorney Discipline Office shall arrange for at least two unannounced random audits of Mr. Cronin's practice as described above during the two year period following his reinstatement. Should violations of the Rules of Professional Conduct be discovered as a result of such audits, the Attorney Discipline Office shall take such action as it deems appropriate.

V. CONCLUSION

For all of the foregoing reasons, the Professional Conduct Committee hereby suspends John J. Cronin, III, from the practice of law for a period of six months for violating Rules 1.15(a)(1), 8.4(c) and 8.4(a) of the Rules of Professional Conduct. Mr. Cronin is assessed all costs associated with the investigation and prosecution of this matter. The suspension shall take effect on April 1, 2008, unless either party files a timely appeal in the New Hampshire Supreme Court.

Respectfully submitted,


Benette Pizzimenti, Vice Chair

January 22, 2008

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