

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

ORDER

LD-2009-0001, In the Matter of Martha M. Davis

On January 6, 2009, the Attorney Discipline Office filed a certified copy of the October 31, 2008 order of the State of Vermont Professional Responsibility Board suspending Attorney Martha M. Davis from the practice of law in Vermont for three months and placing her on probation for a minimum of twelve months. The discipline was based upon the board's finding that Attorney Davis had been in possession of marijuana and marijuana cultivating equipment. In accordance with Supreme Court Rule 37(12)(b), the court ordered that a copy of the October 31, 2008 disciplinary order be served on Attorney Davis. It further ordered that Attorney Davis and the Professional Conduct Committee (PCC) inform the court if either contended that the imposition of identical or substantially similar discipline would be unwarranted.

Attorney Davis filed a response to the court's order. She expressed regret for her conduct and stated that she would accept whatever discipline the court imposed. She requested that the court consider issuing a public reprimand and requiring a period of probation instead of imposing a suspension. The PCC notified the court that it did not intend to file a response to the court's order.

Rule 37(12)(d) provides for the imposition of reciprocal discipline by the court unless the respondent attorney or the PCC demonstrates, or the court finds, based on the face of the record from which the discipline is predicated, that: (1) the procedure followed by the jurisdiction imposing discipline was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process; (2) the imposition of the same or substantially similar discipline by the court would result in grave injustice; or (3) the misconduct established warrants substantially different discipline in New Hampshire.

Having reviewed the order of the State of Vermont Professional Responsibility Board, the court does not find that any of these conditions have been met. It appears from the order issued by the board that Attorney Davis had an opportunity to be heard during the board's proceedings. In light of the seriousness of Attorney Davis' misconduct, the court does not find that the imposition of a three-month suspension would result in grave injustice or that her misconduct would warrant substantially different discipline in New Hampshire. Accordingly, the court concludes that a reciprocal three-month

suspension should be imposed. Because Attorney Davis remains on probation in Vermont, the court concludes that a period of probation is unnecessary.

Therefore, the court orders that Martha M. Davis be suspended from the practice of law in New Hampshire for a period of three months. The suspension shall take effect on June 1, 2009.

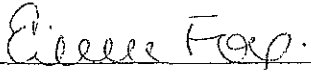
Any motion for reinstatement will be governed by Rule 37(14)(f). Attorney Davis is hereby assessed all expenses incurred by the Professional Conduct Committee in the investigation and prosecution of this matter. See Rule 37(19).

On or before May 15, 2009, the Attorney Discipline Office shall advise the court whether the appointment of an attorney is necessary to take possession of any client files or trust accounts.

Broderick, C.J., and Dalianis, Duggan, and Hicks, JJ., concurred.

DATE: February 13, 2009

ATTEST:



Eileen Fox, Clerk

Distribution:
Landya B. McCafferty, Esquire
Martha M. Davis, Esquire
Professional Conduct Committee
NH Bar Association x5
Sherri Kluesener, Supreme Court
File

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

In Case No. LD-2009-0001, In the Matter of Martha M. Davis, the court on October 8, 2009, issued the following order:

Attorney Martha M. Davis was suspended from the practice of law in New Hampshire for a period of three months, commencing June 1, 2009. Attorney Davis has filed a motion for reinstatement and an affidavit stating that she has fully complied with the terms of the suspension order and requesting that she be reinstated to the practice of law. In accordance with the provisions of Rule 37(14)(f), Attorney Davis' motion for reinstatement is granted. Attorney Martha M. Davis is reinstated to the practice of law in New Hampshire, effective immediately.

Broderick, C.J., and Dalianis, Duggan, Hicks and Conboy, JJ., concurred.

**Eileen Fox,
Clerk**

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Martha M. Davis, Esquire
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