

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

ORDER

LD-2008-0006, In the Matter of Peter Paul Mitrano

On July 29, 2008, the Attorney Discipline Office filed a certified copy of the July 17, 2008 decision of the District of Columbia Court of Appeals, disbaring Attorney Peter Paul Mitrano from the practice of law. In accordance with Supreme Court Rule 37(12)(b), the court ordered that a copy of the July 17, 2008 decision be served upon on Attorney Mitrano. It further ordered that Attorney Mitrano 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 Mitrano filed a response to the court's order. He challenged the determination of the District of Columbia Court of Appeals that he committed disciplinary violations. He also argued that the procedure before the District of Columbia Court of Appeals deprived him of due process, that the imposition of the same or substantially similar discipline would result in grave injustice, or that the misconduct found warranted substantially different discipline in New Hampshire.

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 decision of the District of Columbia Court of Appeals and Attorney Mitrano's response, Attorney Mitrano has not demonstrated, and the court does not find, that any of these circumstances have been met. The court notes that Attorney's Mitrano argument that the procedure before the hearing committee and the District of Columbia Board on Professional Responsibility violated due process was reviewed and rejected by the District of Columbia Court of Appeals. We cannot find on the face of the record that the procedure followed by the District of Columbia Court of Appeals was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process. Nor has Attorney Mitrano established that disbarment would result in

grave injustice or that the misconduct established would warrant substantially different punishment in New Hampshire. The District of Columbia Court of Appeals stated in its decision that “[u]nderlying all of the violations is the Board’s determination that Mitrano took and spent for his own purposes the entirety of a . . . check for \$241,336.59 issued . . . to his client, . . . knowing that the funds – or at least the major part of the funds – did not belong to him.” In light of this finding, we conclude that the imposition of disbarment is warranted.

Accordingly, as provided in Rule 37(12), Peter Paul Mitrano is hereby disbarred from the practice of law in New Hampshire. Attorney Mitrano is hereby assessed all expenses incurred by the Professional Conduct Committee in the investigation and prosecution of this matter. See Rule 37(19).

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

DATE: October 6, 2008

ATTEST:



Eileen Fox, Clerk

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