

New Hampshire Supreme Court
Professional Conduct Committee

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Benette Pizzimenti, Vice Chair
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Glennon, Martin K. advs. Professional Conduct Committee #03-065

SIX MONTH SUSPENSION

On October 18, 2005, the Professional Conduct Committee considered the above-referenced matter. The Committee members hearing the matter included: Benette Pizzimenti, Vice Chair; Alan J. Cronheim; David N. Page; Eleanor Wm. Dahar; David N. Cole; Thomas P. Connair; Gretchen Rule Hamel and Toni M. Gray, Reporter. Margaret H. Nelson and James R. Martin were recused. Not present were Nancy Hacking and Stephen Stepanek. Attorney Martin Glennon was present with his attorney, David A. Horan, Esquire, as was Landya B. McCafferty, Disciplinary Counsel, representing the Professional Conduct Committee.

The Committee members first reviewed and discussed a Request, received October 12, 2005, that the Medical Records of Martin K. Glennon and a letter from his treating physician be included as an appendix to the Memorandum in Opposition to the Hearing Panel Recommendation, filed September 30, 2005. This was evidence not presented to the Hearing Panel.

The Committee voted to accept the records and letter since the facts contained therein had been presented to, and discussed by, the Hearing Panel. The Committee further voted to Seal the Medical Records and letter.

Oral Argument then proceeded, presented by Attorney McCafferty and Attorney Horan. These arguments were confined only to the matter of sanction since Attorney Glennon had stipulated to all the violations enumerated in the Notice of Charges.

The Committee then deliberated, reviewing the Notice of Charges, the pleadings of the parties, the Stipulation dated August 8, 2005, exhibits presented to the Hearing Panel, the transcript of the Hearing before the Hearing Panel dated August 29, 2005, the Hearing Panel Report dated September 7, 2005, an addendum to the Hearing Panel Report dated September 16, 2005, and the records of two prior disciplinary actions involving Attorney Glennon, LD-93-002 dated December 15, 1993, and #94-100 dated March 19, 1995.

After due consideration the Professional Conduct Committee determined the record supports the following Findings of Fact by clear and convincing evidence.

FINDINGS OF FACT

1. Attorney Glennon represented Auto Fair Ford, Inc. ("Auto Fair") in two separate lawsuits brought against it by Jeffrey Hirsch. The Rockingham County Superior Court consolidated the two lawsuits (docket nos. 01-E- 438 and 02-C-97) for trial. He filed his appearance in these cases on August 23, 2001.
2. On February 5, 2002, the Court (Lewis, J.) held a structuring conference. The Court set a discovery schedule, giving Auto Fair until August 1, 2002, to disclose all of its experts and produce them for depositions on or before October 1, 2002. The parties were to complete discovery on October 1, 2002, and file pretrial statements by October 15, 2002. Trial was scheduled for November 18 , 2002.
3. On August 5, 2002, Mr. Hirsch filed a Motion to Compel as a result of Auto Fair's failure to respond properly and fully to interrogatories and request for documents.
4. On October 29, 2002, the Court (Abramson, J.) held a hearing on Mr. Hirsch's Motion to Compel. The Court issued an Order that same date giving Auto Fair until November 30,

2002, to produce the required documents. When that deadline passed without Auto Fair producing the documents, Mr. Hirsch filed a Motion for Default Judgment on Liability.

5. In response to that Motion, the Court (Abramson, J.) issued an Order dated December 24, 2002, conditionally granting the Motion unless Auto Fair produced the documents by December 31, 2002. Auto Fair failed to produce the documents.
6. On January 6, 2003, Mr. Hirsch filed a Renewed Motion for Default Judgment and a Motion in Limine to Exclude Evidence and Testimony. In the former, Mr. Hirsch requested a default as to liability for Auto Fair's failure to produce the above-referenced documents. In the latter, Mr. Hirsch requested the Court to preclude any witnesses from testifying at trial on Auto Fair's behalf. This request was based on Auto Fair's failure to file a pretrial statement containing its witness list.
7. In the meantime, the Court had continued the November, 2002, trial date to January 27, 2003.
8. On January 16, 2003, the Court (McHugh, J.) held a Trial Management Conference ("TMC").
9. Attorney Glennon appeared at the TMC and apologized to the Court and Mr. Hirsch's counsel for not having complied with past Court orders concerning the production of documents. He told the Court that he was unable to participate in the litigation any further and would be filing an immediate Motion to Withdraw. After the TMC he did not file that Motion.
10. By order dated February 3, 2003, and as a result of his dilatory actions as counsel for Auto Fair, the Court (McHugh, J.) granted Mr. Hirsch's Motion for Default Judgment on Liability and directed a verdict in his favor on liability. In that Order, the Court also

granted Mr. Hirsch's Motion in Limine to Exclude Evidence and Testimony, closed discovery in the case and set a trial date for damages for April 17, 2003 and April 18, 2003.

11. The Court forwarded a copy of its February 3, 2003, Order, directly to Auto Fair at its business address in Manchester. In its Order, the Court noted that it was scheduling the damages trial with a time buffer to permit Auto Fair the ability to retain new counsel.
12. Thereafter, Auto Fair hired new counsel, Gregory A. Holmes. Mr. Holmes filed a Motion to Strike Default Judgment on Liability. By Order dated April 1, 2003, the Court (McHugh, J.) granted Mr. Holmes' Motion. (A copy of this Order was included as Exhibit 3 in the Exhibits presented to the Hearing Panel).

RULINGS OF LAW

The Professional Conduct Committee found by clear and convincing evidence that the following Violations occurred:

Rules 1.1: Competence

13. Throughout the litigation involving Mr. Hirsch, Attorney Glennon failed to provide competent representation to Auto Fair. Due to his dilatory representation, Judge McHugh directed a verdict on liability in favor of Mr. Hirsch. This incompetence included failing to perform the techniques of practice with skill, Rule 1.1(b)(2); failing to identify his personal shortcomings and bring those to the attention of Auto Fair, Rule 1.1(b)(3); failing to prepare the case for trial, Rule 1.1(b)(4); and failing to attend to details and schedule necessary to assure that the litigation was completed with no avoidable harm to the interests of Auto Fair, Rules 1.1(b)(5); 1.1(c)(4).

Rule 1.3(a): Diligence

14. Throughout the litigation involving Mr. Hirsch, Attorney Glennon failed to act with reasonable promptness and diligence in representing Auto Fair.

Rule 1.4: Communication

15. Auto Fair's principal, Daniel Prior, had no knowledge of Attorney Glennon's dilatory conduct in the litigation until the Court forwarded to him a copy of Judge McHugh's February 3, 2003, Order. Attorney Glennon also failed to inform him of Mr. Hirsch's Motion for Conditional Default filed on June 6, 2002, Hirsch's Motion to Compel filed on August 5, 2002, Judge Abramson's Order on the Motion to Compel dated October 29, 2002, Mr. Hirsch's first Motion for Default Judgment on Liability, Judge Abramson's Order on that Motion dated December 24, 2002, and Mr. Hirsch's Renewed Motion for Default Judgment and his Motion in Limine to Exclude Evidence and Testimony, both filed on January 6, 2003.

Rule 1.16(a)(2): Withdrawal

16. Attorney Glennon failed to withdraw from the case despite telling the Court on January 16, 2003, that he planned to do so, having now recognized that his "personal issues" materially impeded his ability to represent Auto Fair. It was not until Auto Fair had been notified by the Court of the default judgment against them that Attorney Glennon finally withdrew from the matter.

Rule 3.4(c): Fairness to Opposing Party and Counsel

17. Despite Attorney Glennon's awareness of Superior Court Rules 35 and 36 governing discovery, he repeatedly disobeyed these Rules by ignoring discovery deadlines and

requests for simple discovery, such as expert witness disclosures and the production of documents.

Rule 8.4(a): Misconduct

18. By violating all the above-referenced Rules, Attorney Glennon has also violated 8.4(a).

CONCLUSION

Since Attorney Glennon had stipulated to the Findings of Fact and Rulings of Law, the Committee considered aggravating and mitigating facts before reaching a decision on sanction.

This matter did not appear to be an isolated instance. Two previous disciplinary actions chronicled a failure to adequately represent clients, one resulting in a 90-day suspension imposed by the New Hampshire Supreme Court in 1993, and a Reprimand issued by the Professional Conduct Committee in 1995. The Committee found these to be aggravating factors.

A further area of concern, expressed in the Hearing Panel Report and considered by the Professional Conduct Committee, was a misstatement contained in an affidavit sworn to by Attorney Glennon. This affidavit was submitted to Judge McHugh in support of Auto Fair's Motion to Strike Default Judgment on Liability. In it, Attorney Glennon claimed to be a lawyer in good standing since 1976 when, in fact, he had been suspended from the practice of law for a period of 90 days in 1994.

Attorney Glennon, through his attorney, excused this misstatement by claiming to have overlooked it, concentrating instead on the major facts detailed in the affidavit. Viewed in the best light, this inattention to detail demonstrated Attorney Glennon's shortcomings and was particularly troubling when contained in a sworn statement presented to the Court.

In mitigation, Attorney Glennon asked the Committee to consider his compromised health at the time of the violations and his clean record since that time. The Committee considered these facts before reaching a decision on sanction.

SANCTION


The Committee found that an appropriate sanction for all the violations enumerated above was a suspension. Attorney Glennon is therefore suspended from the practice of law for a period of six months and directed to reimburse the Committee for its expenses in the investigation and prosecution of this matter. New Hampshire Supreme Court Rule 37(3). The suspension shall take effect on January 1, 2006. The sanction is in accord with the purposes of attorney discipline as described by the New Hampshire Supreme Court. *See, Feld's Case*, 149 N.H. 19, 28 (2002). This case 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 sanction).

To the extent that Attorney Glennon has not filed withdrawals in pending cases by January 1, 2006, 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 37(13).

Attorney Glennon may apply for Reinstatement to the New Hampshire Supreme Court, subject to Rule 37A(II)(d)(2) on July 1, 2006, without further hearing before this Committee conditioned upon receipt by the Committee before that date of:

- a) Verification that he has successfully completed the Multistate Professional Responsibility Examination after the date of this Order.
- b) A letter from his treating physician at the conclusion of the period of suspension, attesting to compliance with the physician's treatment recommendations.

Dec. 1, 2005


Benette Pizzimenti, Vice Chair

NEW HAMPSHIRE SUPREME COURT
PROFESSIONAL CONDUCT COMMITTEE

03-065

GLENNON, MARTIN K.

ADVS.

PROFESSIONAL CONDUCT COMMITTEE

MOTION TO RECONSIDER

NOW COMES the respondent, Martin K. Glennon, by and through his attorney, David Horan, with this Motion to Reconsider and in support thereof says as follows:

1. On December 1, 2005, the Professional Conduct Committee issued a final decision in the above-captioned case and ordered the respondent suspended from the practice of law for six months effective January 1, 2006.
2. The respondent herein is requesting reconsideration of this six month suspension pursuant to Supreme Court Rule 37A(VI)(a). The respondent asserts that the Professional Conduct Committee overlooked or misapprehended the law with respect to lawyer disciplinary cases by not considering all of the mitigating factors present in this case which were brought to the attention of the Committee in the respondent's Memorandum in Opposition to Hearing Panel's Recommendation submitted on September 30, 2005 as well as during oral arguments on October 18, 2005.
3. The New Hampshire Supreme Court in O'Meara's Case, 150 N.H. 157 (2003) and in Morgan's Case, 143 N.H. 475 (1999) laid out the law to be

applied in lawyer disciplinary cases as follows: “. . . Discipline is not intended as a mode of inflicting punishment for an offense . . . rather its purpose 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 sanction imposed must be sufficient to achieve those goals and must take into account the severity of the misconduct and any mitigating circumstances disclosed by the record”.

4. The Committee in its December 1, 2005 decision made twelve separate findings of fact, all of which dealt with various aspects of the misconduct alleged in the notice of charges and all of which were ultimately admitted by the respondent. No factual findings were made one way or the other with respect to any of the mitigating factors offered by the respondent in his memorandum or argument.

5. The Committee in its December 1, 2005 decision made six separate rulings of law. All of these rulings dealt with the rules of professional conduct broken by the respondent. No rulings of law were made with respect to the significance or lack thereof of the mitigating factors offered by the respondent.

6. The Committee in entering its decision suspending the respondent for six months appears to have overlooked the following mitigating facts present in this case:

- There was no selfish or dishonest motive prompting the respondent's behavior

- The respondent was suffering from acute depression and sleep apnea at the time of his misconduct.

- Both the acute depression and sleep apnea were undiagnosed at the time of the misconduct but have since been treated.

- The respondent cooperated completely with the Committee's investigation of this matter.

- The respondent accepted full responsibility for his misconduct.

- The respondent repeatedly expressed remorse for his misconduct.

- The respondent has performed competent legal services for a number of other clients during the past 2 ½ years since the allegations here were first brought to the Committee's attention.

None of these mitigating factors were discussed in the Committee's December 1, 2005 decision.

7. Although the Committee in its December 1, 2005 decision makes note of the fact that Attorney Glennon asked the Committee to consider his compromised health at the time of the violations and his clear record since that time, no actual discussion of these two mitigating factors is present in the Committee's eight page decision.

WHEREFORE, the respondent respectfully requests that the Committee grant the following relief:

A. That the Committee reconsider its December 1, 2005 decision;
and

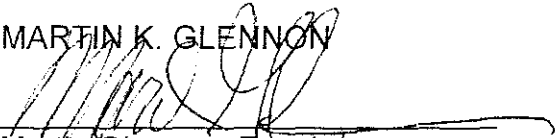
B. That the Committee amend its December 1, 2005 decision by holding the six month suspension in abeyance subject to the conditions that the respondent remain of good behavior and submit quarterly reports from his doctors certifying that he has been following their treatment and medication recommendations; and

C. That the Committee stay the January 1, 2006 effective date of its decision until the timeframe during which an appeal can be taken to the New Hampshire Supreme Court will run; and

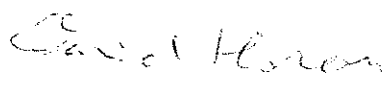
D. That the Committee take any and all other appropriate action concerning this matter.

Respectfully submitted,

MARTIN K. GLENNON

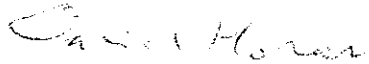

Martin Glennon, Esquire
108 Bay Street
Manchester, NH 03104
(603) 668-4500

Dated: December 12, 2005


David Horan, Esquire
108 Bay Street
Manchester, NH 03104
(603) 666-4700

CERTIFICATION

I hereby certify that a copy of the within Motion to Reconsider was today sent to Landya McCafferty, Disciplinary Counsel by both e-mail and regular first-class mail.


David Horan, Esquire

New Hampshire Supreme Court
Professional Conduct Committee

Margaret H. Nelson, Chair
Benette Pizzimenti, Vice Chair
Toni M. Gray,* Vice Chair
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Glennon, Martin K. advs. Professional Conduct Committee # 03-065

ORDER

On December 13, 2005, the Professional Conduct Committee, upon consideration, denied Respondent's Motion to Reconsider, dated December 12, 2005, on the basis that the Professional Conduct Committee considered all of the mitigating factors present in this case, including, but not limited to, those mitigating factors included in the instant motion.

Dec. 15, 2005


Benette Pizzimenti
Vice Chair

Distribution:

Landya B. McCafferty, Disciplinary Counsel
David Horan, Esquire
File

New Hampshire Supreme Court
Professional Conduct Committee

Margaret H. Nelson, Chair
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Glennon, Martin K. advs. Professional Conduct Committee # 03-065

ORDER

In consideration of this Committee's vote of December 15, 2005 to deny Martin J. Glennon's Request for Reconsideration, the six month suspension shall become effective on January 18, 2006, unless Mr. Glennon files an appeal with the New Hampshire Supreme Court prior to that date. The filing of an appeal shall stay the suspension, pursuant to New Hampshire Supreme Court Rule 37A(III)(d)(4)(B).

December 22, 2005


Benette Pizzimenti
Vice Chair

Distribution:

David A. Horan, Esquire
Landya B. McCafferty, Esquire
File

NEW HAMPSHIRE SUPREME COURT

DOCKET NO. LD-2006-0001

GLENNON, MARTIN K.

ADVS.

PROFESSIONAL CONDUCT COMMITTEE

RULE 10 NOTICE OF APPEAL

NOW COMES Martin K. Glennon by and through his attorney, David Horan with this Rule 10 Notice of Appeal and appeals to the New Hampshire Supreme Court to reverse a decision entered against him by the Professional Conduct Committee on December 1, 2005 suspending him from the practice of law for six months.

PARTIES AND COUNSEL

This appeal is being brought by the respondent Martin K. Glennon whose address is 108 Bay Street, Manchester, NH 03104 and whose attorney is David Horan whose address is 108 Bay Street, Manchester, NH 03104. The opposing party is the Professional Conduct Committee whose address is 4 Park Street, Concord, NH 03301 and whose attorney is Landya McCafferty of 4 Park Street, Concord, NH 03301.

PRIOR ORDERS AND PLEADINGS

Attached hereto are copies of the following documents:

-- December 1, 2005 decision of the Professional Conduct Committee imposing a six-month suspension

- Respondent Glennon's Motion to Reconsider dated December 12, 2005
- December 15, 2005 order from the Professional Conduct Committee denying the Motion to Reconsider
- December 22, 2005 order from the Professional Conduct Committee clarifying the effective day of suspension
- This court's order of February 22, 2006 requiring the Respondent to refile his appeal as an appeal from an administrative agency pursuant to Rule 10

QUESTIONS PRESENTED FOR REVIEW

The respondent Martin K. Glennon presents the following questions for review by the New Hampshire Supreme Court. These questions are to be answered with an eye towards Supreme Court Rule 37(a)(2) which provides that an appeal shall be based on the record before the Professional Conduct Committee and shall be limited to issues of errors of law and unsustainable exercises of discretion.

1: Is a six-month suspension the appropriate sanction to impose upon an attorney where eleven of the fourteen mitigating factors identified in the American Bar Association Standards for Imposing Lawyer Sanctions are present in his case?

2: Are the four purposes of lawyer discipline proceedings, to wit: to protect the public, maintain public confidence in the bar, preserve the integrity of the legal profession, and prevent similar conduct in the future, served by the Professional Conduct Committee filing a notice of charges two years after the initial grievances were filed and then imposing discipline almost three years after the admitted misconduct?

3: Is a six-month suspension, imposed three years after the admitted misconduct, the appropriate sanction to impose upon an attorney who was suffering from undiagnosed sleep apnea and depression at the time of his misconduct but who, long before discipline is imposed, engages in a sustained period of meaningful and successful rehabilitation?

4: Would not the public be protected if Attorney Glennon were to receive a suspension for his misconduct but then have the suspension held in abeyance subject to the condition that he continue his ongoing treatment and provide the Professional Conduct Committee quarterly reports documenting this?

THE APPLICABLE RULES OF PROFESSIONAL CONDUCT

Attached hereto are copies of the applicable Rules of Professional Conduct Committee which in this case are :

Rule 1.1 : Competence

Rule 1.3(a) : Diligence

Rule 1.4 : Client Communications

Rule 1.16(a)(2) : Declining or Terminating Representation

Rule 3.4(c) : Fairness to Opposing Party and Counsel

Rule 8.4(a) : Misconduct

STATEMENT OF FACTS

The respondent Martin K. Glennon committed professional misconduct by mishandling his representation of Auto Fair in litigation before the Rockingham County Superior Court. The Professional Conduct Committee in its December 1, 2005 decision made twelve findings of fact describing this misconduct

committed by the respondent during the timeframe of August 5, 2002 through February 3, 2003. On June 20, 2003 and July 14, 2003 letters were sent to the Committee alerting it to substantial ethical questions raised by the respondent's representation of Auto Fair. Attorney Glennon promptly responded to the Committee advising it that he had done everything within his power to rectify the situation and that after seeking medical care for acute depression, his mind was clear and he was attentive to all of his current clients.

Two years later on May 27, 2005 the Attorney Discipline Office filed its Notice of Charges. Attorney Glennon filed an answer admitting all of the factual allegations made against him and subsequently stipulated to violating rules 1.1, 1.3(a), 1.4, 1.16(a)(2), 3.4(c) and 8.4(a). The Professional Conduct Committee Hearing Panel filed a report and recommendation on September 7, 2005 which was considered by the full Committee in oral arguments on October 18, 2005.

Attorney Glennon identified eleven mitigating factors from the American Bar Association Standards for Imposing Lawyer Sanctions which were present in his case and argued that he should not be suspended from the practice of law three years after his misconduct where during those three years his acute depression and sleep apnea, which contributed towards his misconduct, were properly treated and he had provided competent legal services to his clients without further difficulties. The Committee decided to impose a six month suspension and subsequently denied without hearing a timely filed Motion to Reconsider.

JURISDICTIONAL BASIS FOR APPEAL

The New Hampshire Supreme Court has jurisdiction to hear this appeal in that the explicit language of Supreme Court Rule 37A (4)(A) states that the respondent in lawyer disciplinary proceedings shall be entitled to appeal a finding of professional misconduct or a sanction by filing a written Notice of Appeal in accordance with the rules of the Supreme Court. This appeal shall be based upon the record before the Professional Conduct Committee and pursuant to Supreme Court Rule 37(2)(a) shall be limited to issues of errors of law and unsustainable exercises of discretion.

WHY THIS APPEAL SHOULD BE ACCEPTED

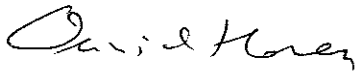
The respondent Martin Glennon's appeal should be accepted and the Professional Conduct Committee's decision be reversed because otherwise Attorney Glennon will be suspended from the practice of for six months, which given his age and the difficulties he will have attempting to revive his practice when the suspension ends, will be tantamount to termination of his legal career. Acceptance of the respondent's appeal would provide the Supreme Court an opportunity to decide a case for the first time using the new administrative rules for lawyer disciplinary proceedings. Given the three year delay between the admitted misconduct and the imposition of sanctions, a substantial difference of opinion exists as to what constitutes appropriate discipline in this case.

CERTIFICATIONS

I certify that every issue specifically raised above has been presented to the Professional Conduct Committee below and has been properly preserved for

appellate review by a contemporaneous objection or, where appropriate, by a properly filed pleading.

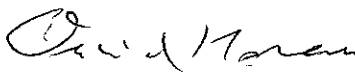
March 14, 2006



David Horan, Esquire

I certify that on or before the date below, copies of this Notice of Appeal have been served on all parties to the case and have been filed with the Clerk of the Court from which the appeal is taken in accordance with Rule 26(2).

March 14, 2006



David Horan, Esquire

NEW HAMPSHIRE SUPREME COURT
PROFESSIONAL CONDUCT COMMITTEE

Glennon, Martin K.

advs.

Professional Conduct Committee

#03-065

AGREEMENT

Respondent Martin K. Glennon, Esq., by and through his attorney, David A. Horan, Esq., and the Professional Conduct Committee, by and through counsel, Landya B. McCafferty, Esq., hereby enter into this Agreement.

1. In a report dated December 1, 2005, the Professional Conduct Committee concluded that Mr. Glennon should be suspended from the practice of law for six months. On January 17, 2006, Mr. Glennon filed an appeal from that decision. Briefs have been filed by both parties and oral argument is currently scheduled for April 5, 2007.
2. While the appeal was pending a negotiated Agreement was reached.

3. The Respondent enters into this Agreement freely, intelligently and voluntarily, and understands the consequences of this Agreement.
4. This Agreement is a product of the Respondent's personal decision, and the Respondent affirms that he has been subjected to no coercion, duress or other intimidating acts by any person or agency concerning this matter. Respondent has had the assistance of competent counsel in connection with this matter.
5. The Respondent is familiar with the rules of the New Hampshire Supreme Court regarding the procedures for discipline of attorneys and with his rights under those rules. N.H. Sup. Ct. R. 37 & 37A.
6. The terms of the Agreement follow.

A. Terms of the Agreement

7. Mr. Glennon should be suspended from the practice of law for six months. The suspension shall be stayed for two years from the effective date of this Agreement, March 20, 2007, subject to the following terms and conditions:
 - (a) Mr. Glennon agrees that he shall remain of good behavior during the two-year time period that the Agreement is stayed (hereinafter "2 Year Period"). "Good behavior" is defined as practicing law in

compliance with the New Hampshire Rules of Professional Conduct.

- (b) Mr. Glennon agrees that he will continue to abide by all treatment recommendations of both his primary medical physician, [REDACTED], and his psychologist, [REDACTED] (or their successors), and any other medical health care provider to whom Mr. Glennon is referred by Drs. [REDACTED] and [REDACTED]. Both doctors shall provide quarterly reports to the Attorney Discipline Office throughout the 2 Year Period verifying Mr. Glennon's compliance with those recommendations. Mr. Glennon shall provide a signed release to the Attorney Discipline Office that will permit the Attorney Discipline Office access to Mr. Glennon's medical records for the purpose of determining compliance with his doctor's treatment recommendations. These medical records shall remain under seal on a permanent basis. See Attachment A (Protective Order).
- (c) Mr. Glennon agrees that within two months of the effective date of this Agreement, he will retain the services of a lawyer competent to review law office management practices, subject to the approval of

Disciplinary Counsel. The reviewer shall make recommendations as to how Mr. Glennon should address any such practices identified as deficient by the reviewer, including, but not limited to, the issues raised or implied by the findings of the Committee issued on December 1, 2005. Mr. Glennon agrees that within the first year of this Agreement, he will make a good faith effort to implement each of the reviewer's recommendations. Any recommendations and reports made by the reviewing attorney shall be provided to Disciplinary Counsel.

- (d) Mr. Glennon agrees to audit a full course on professional responsibility at an accredited law school within the first year of the Agreement. Mr. Glennon shall submit proof of his successful completion of the course before the end of the first year of the Agreement.
- (e) In the event that Mr. Glennon resigns from the practice of law (or takes inactive status) during the first year of the Agreement, he is not required to continue implementing the requirements cited in paragraphs 7(b) or (c). Provided that in the event Mr. Glennon takes inactive status during that first year,

he shall be required to complete implementation of the terms and conditions of paragraphs (b) and (c) prior to returning to active status.

8. Should the Attorney Discipline Office learn of any potential material violation of the above terms, the Attorney Discipline Office shall have the right to investigate the potential violation. Mr. Glennon shall cooperate fully with the Attorney Discipline Office in any such investigation. Mr. Glennon shall have the right to provide the Attorney Discipline Office with any additional information regarding the potential violation.
9. If the Attorney Discipline Office concludes that the reported event is a material violation, the Attorney Discipline Office shall file a motion with the Professional Conduct Committee requesting that the Committee impose the stayed six month suspension and any other conditions warranted by the violation. Mr. Glennon shall have the right to respond in writing to the Attorney Discipline Office's motion and to request an evidentiary hearing thereon. Following an evidentiary hearing (if requested and granted), or the denial of a request for such hearing, the Committee shall determine whether the motion requesting imposition of the six month suspension or other conditions should be

granted or denied. Unless waived, oral arguments will be conducted to allow Disciplinary Counsel and Mr. Glennon ten (10) minutes each to address the issue of imposition of the stayed suspension and other conditions requested by Disciplinary Counsel. The Committee's decision shall be final.

10. In any proceeding under paragraph 9 of this Agreement to impose the stayed six month suspension or other conditions, the burden of proof that Disciplinary Counsel must meet is as follows: Disciplinary Counsel must establish by a preponderance of the evidence that Mr. Glennon's conduct is either a material breach of the terms of this Agreement or constitutes a violation of the N.H. Rules of Professional Conduct, and that imposition of the stayed suspension and any other conditions is warranted.
11. If the Attorney Discipline Office receives a complaint against Mr. Glennon that arises out of events that predate adoption of this Agreement by the Professional Conduct Committee, that complaint will be processed in the ordinary course of business. Any finding of a violation of the Rules of Professional Conduct that may result from that complaint will not be a basis for imposition of the six month suspension in this case.

12. If the Attorney Discipline Office receives a complaint against Mr. Glennon during the period of the two year stay that arises out of events that post date adoption of this Agreement by the Professional Conduct Committee, and if the events occur within the period of the two year stay, that complaint will be processed by the Attorney Discipline Office on an expedited basis. Any final adjudication of a violation of the Rules of Professional Conduct that may result from that complaint may provide a basis for a request by Disciplinary Counsel that the Professional Conduct Committee impose the stayed six month suspension in this case on other conditions. If Disciplinary Counsel makes such a request, Mr. Glennon shall be entitled to an evidentiary hearing and review by the Professional Conduct Committee.
13. Nothing herein shall be construed to limit prosecution of any new complaint involving conduct of Respondent occurring during the referenced 2 Year Period
14. At the conclusion of the two year period described in paragraph 4 hereof, the six month suspension shall be permanently stayed provided that there are no complaints or motions pending pursuant to paragraphs 9 or 12 of this Agreement. If such complaints or motions are filed during

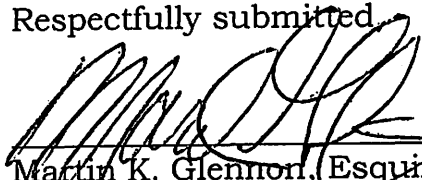
the two year period, they can provide a basis for seeking imposition of the stayed six month suspension and other conditions even if the proceedings on such complaints or motions are concluded after the expiration of the two year period of the stay. Any request for imposition of the stayed suspension that is based upon a complaint under paragraph 9 hereof must be initiated within 30 days of final disposition of that complaint.

15. In any proceeding to impose the six month stayed suspension or other conditions, if the Professional Conduct Committee finds that a basis for imposition of the stayed suspension has been proven in accordance with the applicable provisions of this Agreement, it shall have the discretion to impose a suspension of less than six months if it finds that such lesser suspension is appropriate under the facts presented.
16. Mr. Glennon agrees that he shall bear all costs associated with compliance and enforcement of the terms and conditions of this Agreement.


The Respondent, Martin K. Glennon, acknowledges by signing this Agreement that he understands and accepts all of the terms and conditions of this Agreement.

Respectfully submitted,

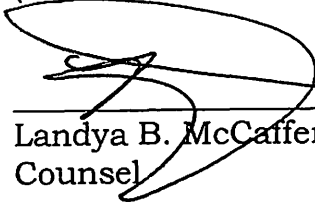
Dated: March 21, 2007


Martin K. Glennon, Esquire

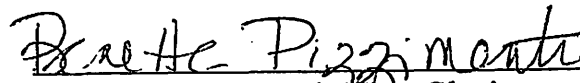
Dated: March 21, 2007


David A. Horan, Esquire
(Counsel for Martin K. Glennon, Esquire)

Dated: March 22, 2007


Landya B. McCafferty, Disciplinary
Counsel

Dated: March 22, 2007


Benette Pizzimenti, Vice Chair
Professional Conduct Committee

NEW HAMPSHIRE SUPREME COURT
PROFESSIONAL CONDUCT COMMITTEE

Glennon, Martin K.

advs.

Professional Conduct Committee

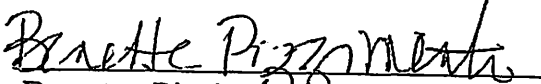
#03-065

PROTECTIVE ORDER

1. In accordance with paragraph 7(b) of the Agreement dated March 20, 2007, Mr. Glennon is required to submit otherwise private and confidential medical records to the Attorney Discipline Office for a time-period of two years from the effective date of the Agreement.
2. The Committee hereby grants a protective order, requiring the Attorney Discipline Office to maintain under seal on a permanent basis those records received by Mr. Glennon pursuant to paragraph 7(b) of the Agreement dated March 20, 2007.

3. The Committee issues this Order pursuant to Rule
37A(IV)(a)(2)(E).

Date: March 20, 2007


Benette Pizzimenti, Vice Chair
Professional Conduct Committee

THE STATE OF NEW HAMPSHIRE
SUPREME COURT

No. LD-2006-0001

IN THE MATTER OF MARTIN K. GLENNON

MOTION TO WITHDRAW APPEAL

NOW COMES the appellant, Martin Glennon, by and through his attorney, David Horan, with this Motion to Withdraw Appeal and in support thereof says as follows:

1. This case now on appeal to this Court is scheduled for oral argument on April 5, 2007.
2. The parties through their counsel, David Horan and Landya McCafferty, have negotiated a settlement agreement which has been authorized and approved by the full Professional Conduct Committee at its regular monthly meeting of March 20, 2007.
3. The appellant now requests that his appeal be withdrawn and that his case be remanded to the Professional Conduct Committee for imposition of the agreed upon sanctions.
4. Disciplinary Counsel Landya McCafferty has no objection to this motion to withdraw appeal and joins the request that the case be remanded to the Professional Conduct Committee.

WHEREFORE, the Respondent, Martin K. Glennon, respectfully requests that the Court grant the following relief:

A. That the Court grant this Motion to Withdraw Appeal without a hearing; and

B. That the Court remand the appellant's case back to the Professional Conduct Committee; and

C. That the Court grant such other and further relief as may be just and proper.

Respectfully submitted,

MARTIN K. GLENNON

By His Attorney,

Dated: March 26, 2007

By: _____
David Horan, Esquire
108 Bay Street
Manchester, NH 03104
(603) 666-4700

CERTIFICATION

I hereby certify that a copy of the within Motion to Withdraw Appeal was this day forwarded to Landya McCafferty, Disciplinary Counsel.

David Horan, Esquire

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

In Case No. LD-2006-0001, In the Matter of Martin K. Glennon, the court on April 2, 2007, issued the following order:

Attorney Glennon's motion to withdraw appeal is granted.

Appeal withdrawn.

This order is entered by a single justice (Broderick, C.J.). See Rule 21(7).

**Eileen Fox,
Clerk**

Distribution:

✓ James L. DeHart, Esquire
Landya B. McCafferty, Esquire
David A. Horan, Esquire
Martin K. Glennon, Esquire
Donna Craig, Supreme Court
Irene Dalbec, Supreme Court
Claire Lavertu, Supreme Court
File

NEW HAMPSHIRE SUPREME COURT
PROFESSIONAL CONDUCT COMMITTEE

03-065

GLENNON, MARTIN K.

ADVS.

PROFESSIONAL CONDUCT COMMITTEE

MOTION TO CLARIFY AGREEMENT

NOW COMES the respondent, Martin K. Glennon, by and through his attorney, David Horan, with this Motion to Clarify Agreement and in support thereof says as follows:

1. On March 20, 2007 the parties reached an agreement suspending the respondent from the practice of law for six months but then holding that suspension in abeyance for two years subject to a variety of terms and conditions.

2. The terms of paragraph 7(d) provide that, "Mr. Glennon agrees to audit a full course on professional responsibility at an accredited law school within the first year of the agreement . . ."

3. The respondent is currently auditing a course on professional responsibility at the Massachusetts School of Law in Andover, Massachusetts. The Massachusetts School of Law is accredited by the New England Association of Schools and Colleges. Individuals who graduate from the Massachusetts School of Law are eligible to take the bar exam in Massachusetts immediately upon graduation. After passing Massachusetts,

individuals are immediately eligible to take the bar exam in New Hampshire.

Documentation to this effect is attached hereto.

4. The respondent's brother, Barry Glennon, graduated from the Massachusetts School of Law and is now a member of the New Hampshire Bar Association.

5. Undersigned counsel was informed by Disciplinary Counsel that shortly after the respondent registered to take the course on professional responsibility at Massachusetts School of Law that the Massachusetts School of Law called the Professional Conduct Committee to ascertain the status of the respondent's disciplinary record. Disciplinary Counsel then called undersigned counsel and informed him that the Massachusetts School of Law is not accredited by the American Bar Association.

6, The respondent was reluctant to take the required course on professional responsibility at Franklin Pierce Law Center because Russell Hilliard teaches that course at Franklin Pierce Law Center. Russell Hilliard was the individual who filed the initial complaint against the respondent which resulted in the respondent being disciplined here.

7. Disciplinary Counsel Landya McCafferty takes no position on the merits of this motion but has agreed to let the motion be acted upon by the chairman of the committee.

WHEREFORE, the respondent respectfully requests that the Committee grant the following relief be granted:

- A. That this motion be acted upon by the Chairman or the Vice Chairman of the Professional Conduct Committee; and
- B. That the Motion to Clarify be granted without a hearing; and
- C. That the agreement be clarified by adding language to the effect that a law school accredited by the New England Association of Schools and Colleges would be deemed "an accredited law school" within the meaning of the agreement; and
- D. That any and other further relief that might be just and proper be granted.

Respectfully submitted,

MARTIN K. GLENNON

By His Attorney,

Dated: January 31, 2008

David Horan, Esquire
108 Bay Street
Manchester, NH 03104
(603) 666-4700

CERTIFICATION

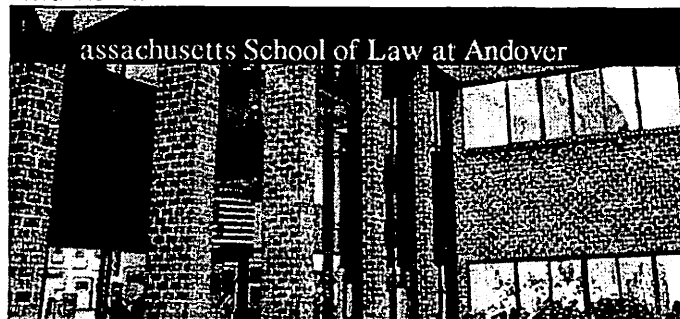
I hereby certify that a copy of the within Motion to Clarify Agreement was today sent to Landya McCafferty, Disciplinary Counsel by regular first-class mail.

David Horan, Esquire

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Student Quick Links: ...

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Massachusetts School of Law at Andover

- ▶ ABOUT MSLAW
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- ▶ OFFICES/ DIRECTORY



ACCREDITATION & BAR ELIGIBILITY

After it began operation in August, 1988, Massachusetts School of Law at Andover sought approval from the Massachusetts Board of Regents. The Regents authorized Massachusetts School of Law to grant the degree of Juris Doctor in May, 1990, only twenty-one months after Massachusetts School of Law opened its doors. Because of the Regents' approval, MSLAW graduates are eligible to take the state bar examination and, upon passage, to be admitted to the bar in Massachusetts. In December, 1997, the New England Association of Schools & Colleges (NEAS&C) awarded accreditation to the Massachusetts School of Law.

MSLAW students are eligible to take the Bar immediately upon graduation in Massachusetts and in Connecticut. After passing Massachusetts they are immediately eligible to take the bar exam in New Hampshire, Maine, Vermont, Wisconsin, California, West Virginia and Maryland. In addition, there are a number of jurisdictions where MSLAW graduates are eligible to take the bar after practicing for the period of time listed below.

Jurisdictions where MSLAW graduates may be admitted to the bar:

- **Alabama:** By petition to the Alabama Supreme Court
- **Alaska:** 5 years
- **Arizona:** 5 years
- **California:** Immediately after passing bar of primary jurisdiction
- **Colorado:** 5 Years
- **Connecticut:** Immediately
- **Florida:** 10 Years
- **Hawaii:** 5 Years
- **Kentucky:** 3 Years
- **Maine:** Immediately after passing bar of primary jurisdiction
- **Maryland:** MSLAW students have received individual permission after admission in MA Massachusetts Immediately
- **Missouri:** 5 Years
- **Nevada:** By individual petition to the "Substantially equivalent committee"
- **New Hampshire:** Immediately after passing bar of primary jurisdiction
- **New Mexico:** 4 Years
- **New York:** 5 Years
- **Oregon:** 3 Years
- **Pennsylvania:** 5 Years
- **Rhode Island:** 5 Years
- **Texas:** 3 Years
- **Vermont:** Immediately
- **Washington:** 3 Years
- **West Virginia:** Immediately after passing bar of primary jurisdiction
- **Wisconsin:** Immediately after passing bar of primary jurisdiction

This list is not exhaustive and, because states sometimes change rules regarding admission requirements to the bar, you should contact the bar authorities in the jurisdiction that is of interest to you in order to receive the most up-to-date rules.

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- ▶ [Virtual Tour](#)
- ▶ [Upcoming Events](#)
- ▶ [The Dean's Message](#)
- ▶ [Affordable Tuition](#)
- ▶ [30 Minutes North of Boston](#)
- ▶ [Accreditation & Bar Eligibility](#)
- ▶ [MSLAW News & Media](#)
- ▶ [Student & Alumni Spotlight](#)
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New Hampshire Supreme Court
Professional Conduct Committee

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Benette Pizzimenti, Vice Chair
Toni M. Gray, * Vice Chair
David N. Cole
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Alan J. Cronheim
Gerald A. Daley*

4 Chenell Drive, Suite 102
Concord, New Hampshire 03301
603-224-5828 ♦ Fax 228-9511


Richard H. Darling*
Gretchen Rule Hamel
James R. Martin
David N. Page*
James J. Tenn, Jr.
* non attorney member
Holly B. Fazzino, Admin. Coordinator

Glennon, Martin K. advs. Professional Conduct Committee # 03-065

ORDER

On February 19, 2008, the Professional Conduct Committee deliberated Respondent's Motion to Clarify dated January 31, 2008. The Committee voted to approve Respondent's request that the auditing of a course on Professional Responsibility at Massachusetts School of Law shall satisfy the terms of the Agreement dated March 20, 2007.

February 25, 2008


Benette Pizzimenti
Vice Chair

Distribution:

David Horan, Esquire
Landya B. McCafferty, Disciplinary Counsel
File