

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

In Case No. LD-2009-0003, In the Matter of Daniel P. Hynes, the court on November 6, 2009, issued the following order:

On April 1, 2009, the Professional Conduct Committee (PCC) filed a petition for two-year suspension of Attorney Daniel P. Hynes from the practice of law, with one year of the suspension stayed for two years. The petition arises out of Attorney Hynes' conviction for theft by extortion. On April 3, 2009, the respondent filed an answer to the petition, stating that he assented to the petition but reserved his right to seek review of this matter if his conviction were reversed by this court. The PCC notified the court that it did not object to Attorney Hynes' reservation of rights. In an opinion issued on August 5, 2009, we affirmed the respondent's conviction.

In the petition, the PCC alleged that Attorney Hynes violated the following Rules of Professional Conduct:

- (a) Rule 8.4(a), by attempting to commit a criminal act and by violating the Rules of Professional Conduct; and
- (b) Rule 8.4(b), by committing a criminal act that reflects adversely on the lawyer's honesty, trustworthiness.

The court accepts the PCC's rulings as to the rules violations.

The PCC recommended that Attorney Hynes be suspended for a period of two years, with the first year of the suspension to run retroactively from the date of Attorney Hynes' interim suspension by the court on July 1, 2008 to July 1, 2009. It requested that the second year of Attorney Hynes' suspension be stayed for a period of two years during which period Attorney Hynes would be permitted to resume the practice of law subject to certain conditions agreed upon by the parties, including supervision by a mentor and the filing of regular reports with the Attorney Discipline Office.

Having reviewed the petition, Attorney Hynes' answer, and the parties' stipulations, the court accepts the PCC's recommendation as to the sanction that should be imposed in this case. Therefore, the court orders that Attorney Daniel P. Hynes be suspended from the practice of law in New Hampshire for a period of two years, with the first year of the suspension to run retroactively from the date of Attorney Hynes' interim suspension by the court on July 1, 2008 to July 1, 2009, and the second year of the suspension to be stayed for a period of two years.

The court also accepts the PCC's recommendation that Attorney Hynes be permitted to resume practice upon the expiration of the first year of his suspension, subject to the conditions agreed upon by the parties in the "Stipulation as to Rule Violations and Sanction." Paragraphs 25 through 34 of the stipulation, which outline the conditions and the procedure for enforcing any breach of the conditions, are hereby incorporated by reference into this order, but any references in these paragraphs to a suspension for 12 months are deemed to be replaced by a suspension for two years.

Because the first year of his suspension expired upon July 1, 2009, Attorney Hynes shall be reinstated to practice, subject to the conditions set forth in the stipulation, once he has met all of the conditions set forth in the PCC's decision. Upon certification by the PCC or disciplinary counsel that Attorney Hynes has met the conditions necessary for reinstatement, an order reinstating Attorney Hynes to the practice of law will be issued.

The parties agreed and the PCC approved a process for imposing the second year of the suspension in the event of a violation of the stipulation. As provided in the stipulation, if disciplinary counsel establishes a violation of the stipulation or of the Rules of Professional Conduct, the PCC may impose the second year of the suspension, and its decision shall be final. If the PCC imposes any portion of the second year of the suspension, it shall notify the court. At the conclusion of the two year stay, either party may request that the stay of the remaining suspension be made permanent.

Attorney Hynes is hereby assessed all expenses incurred by the Professional Conduct Committee in the investigation and prosecution of this matter. See Rule 37(19).

So ordered.

BRODERICK, C.J., and DALIANIS, DUGGAN, HICKS and CONBOY, JJ., concurred.

**Eileen Fox,
Clerk**

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THE STATE OF NEW HAMPSHIRE

SUPREME COURT

In Case No. LD-2009-0003, In the Matter of Daniel P. Hynes, the court on November 19, 2009, issued the following order:

The Professional Conduct Committee has certified that Attorney Hynes has met the conditions of the stipulation necessary for reinstatement, as required by the court's order of November 6, 2009. Accordingly, Daniel P. Hynes 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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