

New Hampshire Supreme Court  
**Professional Conduct Committee**

*a committee of the attorney discipline system*

Margaret H. Nelson, Chair  
Benette Pizzimenti, Vice Chair  
Toni M. Gray,\* Vice Chair  
Susan R. Chollet\*  
David N. Cole  
Thomas P. Connair  
Alan J. Cronheim

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

Gerald A. Daley\*  
Richard H. Darling\*  
Julie A. Introcaso  
James R. Martin  
Lawrence A. Vogelmann  
\* non attorney member  
Holly B. Fazzino, Admin. Coordinator

*Grodt, Thomas P. advs. Margaret S.C. Johns # 08-008*

**RECOMMENDATION TO IMPOSE**

**ENTIRE SUSPENDED THREE YEAR SUSPENSION**

On March 15, 2011, the Professional Conduct Committee deliberated the Joint Motion of Mr. Grodt and Jennifer B. Sargent, Disciplinary Counsel to impose the entire suspended three year suspension. Members present were Margaret H. Nelson, Chair, Benette Pizzimenti, Vice Chair, Toni M. Gray, Vice Chair, Susan R. Chollet, David N. Cole, Thomas P. Connair, Alan J. Cronheim, Gerald A. Daley, Julie A. Introcaso, James R. Martin, and Lawrence A. Vogelmann. Richard H. Darling was absent.

The Parties submitted a Joint Motion, and the Committee accepts the Motion and finds the following facts by clear and convincing evidence:

1. On June 28, 2010, the New Hampshire Supreme Court accepted the recommendation of the Professional Conduct Committee ("PCC") in the above captioned matter and ordered that the Respondent be suspended from the practice of law in New Hampshire for a period of three years; with the imposition of the suspension stayed for a period of three

years subject to Attorney Grodt's compliance with the conditions set forth in the PCC's recommendation.

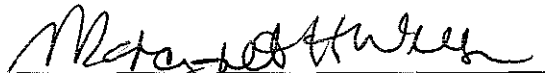
2. On November 4, 2010, Cecile Hartigan, New Hampshire Lawyers Assistance Program ("NHLAP") Executive Director, faxed a Monitor's Report to Disciplinary Counsel. In it, Ms. Hartigan ("the Monitor") represented that Respondent had engaged in conduct that, in the view of the Monitor and the Mentor (Attorney John Liland), raised a question as to Respondent's honesty, fitness and trustworthiness as a lawyer.
3. Respondent was not candid and honest with his Mentor and Monitor by claiming he was not engaged in the practice of law when, in fact, he had open cases.
4. Respondent engaged in the practice of law in two cases without obtaining malpractice insurance, as required by the Stipulation.
5. Respondent has committed material breaches of the PCC's Recommendation and the Supreme Court's Order staying his suspension by: (1) violating the conditions of his Stipulation by failing to obtain and maintain malpractice insurance while representing clients; and (2) failing to comply with the expectation that he be completely open and honest with his Mentor and Monitor under his NHLAP contract.
6. Imposition of all three years of the stayed suspension is appropriate given Respondent's lack of candor and honesty with his Monitor and Mentor regarding his Stipulation and NHLAP Plan compliance and Respondent's failure to comply with the PCC Order requiring him to maintain malpractice insurance while representing clients in open matters.

7. Respondent agrees to pay the expenses incurred by the PCC in the investigation and prosecution of this matter.

On December 6, 2010, the Supreme Court entered an Order suspending Mr. Grodt on an interim basis pending a decision by the Committee.

Based on the foregoing, the Committee hereby recommends that the entire three year suspension be imposed retroactive to December 6, 2010, the date of Mr. Grodt's interim suspension and that Mr. Grodt be assessed the expenses incurred by the Committee in the investigation and prosecution of this matter. The Committee further recommends that the Mentor and Monitor previously appointed be relieved of further responsibilities in this matter.

March 19, 2011

  
Margaret H. Nelson  
Chair

Distribution:

Jennifer B. Sargent, Disciplinary Counsel  
Thomas P. Grodt  
File