

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

ORDER

LD-2011-0012, In the Matter of Daniel Joseph Kelleher

On December 7, 2011, the Attorney Discipline Office filed a certified copy of the November 25, 2011 order of the Massachusetts Supreme Judicial Court for Suffolk County, disbarring Attorney Daniel J. Kelleher. The discipline was based upon Attorney Kelleher's intentional misuse of client funds.

In accordance with Supreme Court Rule 37(12)(b), this court ordered that a copy of the Massachusetts disciplinary order be served on Attorney Kelleher. It further ordered that Attorney Kelleher and the Professional Conduct Committee (PCC) inform the court if either contended that the imposition of identical or substantially similar discipline would be unwarranted. The PCC notified the court that it believed that disbarment was warranted. Attorney Kelleher filed no response.

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.

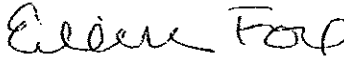
Having reviewed the order of the Massachusetts Supreme Judicial Court for Suffolk County, the court does not find that any of these conditions have been met. It appears from the order that Attorney Kelleher had an opportunity to be heard in the Massachusetts disciplinary proceedings. In light of the seriousness of Attorney Kelleher's misconduct, the court does not find that disbarment would result in grave injustice or that his misconduct would warrant substantially different discipline in New Hampshire.

Therefore, the court orders that Daniel J. Kelleher be disbarred from the practice of law in New Hampshire. Attorney Kelleher 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 March 12, 2012, 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.

DATE: February 10, 2012

ATTEST:


Eileen Fox
Eileen Fox, Clerk

Distribution:
Attorney Discipline Office
Thomas V. Trevethick, Esq.
Daniel J. Kelleher, Esq.
File