

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

ORDER

LD-2013-0002, In the Matter of Philip A. Brouillard

Having considered the parties' briefs and oral arguments and the record submitted on appeal, the court concludes that a formal written opinion is not necessary in this case. On January 17, 2013, the Professional Conduct Committee (PCC) filed a petition requesting that Attorney Philip A. Brouillard, hereinafter referred to as the respondent, be suspended from the practice of law in New Hampshire for two years. On February 15, 2013, the respondent filed an answer to the petition, denying that he had violated any of the Rules of Professional Conduct and that his conduct merited a sanction. On April 22, 2013, the court issued an order asking the parties to file briefs. The court received the PCC's brief on May 22, 2013, and the respondent's brief on June 21, 2013. The court heard oral argument in this case on October 16, 2013.

In the petition, the PCC found that the respondent violated the following Rules of Professional Conduct:

- (1) Rule 3.3 by knowingly making false statements of material fact in two court proceedings and by failing to correct those statements;
- (2) Rule 8.4(c) by misrepresenting the availability of property owner's insurance to pay for services required to restore the property and by purposely undertaking to bind his tenant to the contract to facilitate a claim under the tenant's insurance policy, knowing that there was no property owner's insurance to cover the loss; and
- (3) Rule 8.4(a) by violating the Rules of Professional Conduct.

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

The PCC determined that the goals of protecting the public, including the respondent's current clients, preventing similar conduct in the future, and preserving the integrity of the profession, would be best served by suspending the respondent for two years from the practice of law in New Hampshire. Having considered the petition, the respondent's answer, the parties' briefs and oral arguments, and the record submitted on appeal, the court disagrees with the PCC's recommended sanction. The court suspends the respondent for two

years from the practice of law, and stays this suspension for two years subject to the conditions set forth in the Hearing Panel's September 5, 2012 report.

THEREFORE, the court orders that Attorney Philip A. Brouillard be suspended from the practice of law in New Hampshire for a period of two years; imposition of this suspension is stayed for a period of two years subject to Attorney Brouillard's compliance with the following conditions:

- (1) There are no further grievances filed with the ADO against Attorney Brouillard regarding his past or future violations of the Rules, which the ADO or the Screening Committee determines should be docketed as complaints;
- (2) Attorney Brouillard shall continue to devote a minimum of fifty (50) hours each year to providing pro bono legal services; and
- (3) Each year, Attorney Brouillard shall attend at least six (6) hours of continuing legal education on legal ethics, in addition to the two (2) hours of continuing legal education on legal ethics required by Supreme Court Rule 53.1.


The PCC shall notify the court should it determine that Attorney Brouillard has violated any of these conditions and should it seek to impose any portion of the two-year suspension. At the conclusion of the two-year stay, either party may request that the stay of the remaining suspension be made permanent.

Attorney Brouillard is hereby assessed all expenses incurred by the PCC in the investigation and prosecution of this matter. See Rule 37(19).

Dalianis, C.J., and Hicks, Conboy, and Lynn, JJ., concurred.

DATE: October 23, 2013

ATTEST:


Eileen Fox, Clerk

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File