

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

ORDER

LD-2013-0009, In the Matter of B. Michael Cormier

On July 31, 2013, the Attorney Discipline Office (ADO) filed a certified copy of an order of the Supreme Judicial Court for Suffolk County (Massachusetts), suspending Attorney B. Michael Cormier from the practice of law in Massachusetts for a period of two years. The discipline was based upon the finding that Attorney Cormier violated numerous Rules of Professional Conduct while representing clients who retained him to bring a claim for the injuries and death of a sibling killed in a motor vehicle accident and to probate the deceased sibling's estate. Specifically, Attorney Cormier was found to have violated the following Rules of Professional Conduct:

1. Rule 1.1, 1.3, 3.4(c), and 8.4(d), by failing to take steps to complete the administration of the estate;
2. Rule 1.5(a), by charging a clearly excessive fee;
3. Rule 1.15(b)(2), by failing to promptly withdraw his contingency fee from his IOLTA account; and by issuing checks drawn on the account for personal matters;
4. Rule 1.15(c), by failing to promptly distribute settlement proceeds to his clients;
5. Rule 1.15 (b), and (e), by failing to keep records for his IOLTA account, as required, issuing checks drawn on the account payable to cash, and failing to keep client funds in a trust account;
6. Rule 1.15(d), by failing to account for client funds; and
7. Rule 1.4(a) and (b), 8.4 (a), (c), and (h), by failing to inform his clients of his dissipation of their funds, and misrepresenting the reasons for his failure to pay them the amounts that he owed them in order to conceal his negligent misuse of the funds.

In accordance with Supreme Court Rule 37(12)(b), the court ordered that a copy of the order of the Supreme Judicial Court for Suffolk County be served on Attorney Cormier. It further ordered that Attorney Cormier and the Professional Conduct Committee (PCC) inform the court if either contended that the imposition of identical or substantially similar discipline would be

unwarranted. Both Attorney Cormier and the PCC notified the court that the imposition of a two-year suspension was warranted.

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 upon 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 Supreme Judicial Court for Suffolk County, the court concludes that none of these factors are present. It appears from the material filed that Attorney Cormier participated in the Massachusetts disciplinary proceedings. In light of Attorney Cormier's numerous rule violations and the seriousness of his misconduct, the court does not find that the imposition of a two-year suspension would result in grave injustice or that his misconduct would warrant substantially different discipline in New Hampshire. Accordingly, the court concludes that a reciprocal two-year suspension should be imposed.

Therefore, the court orders that Attorney B. Michael Cormier be suspended from the practice of law in New Hampshire for a period of two years. The suspension shall become effective on November 5, 2013, unless a motion for reconsideration is filed before that date.

Any motion for reinstatement will be governed by Rule 37(14)(b). Attorney Cormier 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 November 25, 2013, 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: October 24, 2013

ATTEST:


Eileen Fox, Clerk

Distribution:
Attorney Discipline Office
Janet F. Devito, Esq.
B. Michael Cormier, Esq.
File