

New Hampshire Supreme Court
Professional Conduct Committee

a committee of the attorney discipline system

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LD-2014-0005, In the Matter of Alan B. Rindler, Esquire

PUBLIC CENSURE

In accordance with Supreme Court Rule 37(12), on August 19, 2014, the New Hampshire Supreme Court ruled that the above captioned reciprocal discipline matter from the Commonwealth of Massachusetts Board of Bar Overseers warrants the issuance of a public censure. The Court remanded the matter to the Professional Conduct Committee for the issuance of a public censure.

I. FACTS

On June 4, 2013, Alan B. Rindler entered a plea of nolo contendere in the Circuit Court of the Twelfth Judicial District, Sarasota County, Florida, to disorderly conduct in violation of Fl. Stat. 877.03 and possession of cannabis, less than 20 grams, in violation of Fl. Stat. 893.13(6b). The conviction arose from Mr. Rindler's conduct in physically resisting a search by TSA officials and breaching TSA security procedures at the Sarasota airport. The court accepted the plea, withheld adjudication on both charges, fined the respondent \$500 on the disorderly conduct charge and \$250 on the charge of possession of cannabis, and imposed court costs and the cost of prosecution.

II. RULINGS OF LAW

Mr. Rindler's disorderly conduct conviction violated Mass. R. Prof. C. 8.4(b) and (h).

(New Hampshire Rule of Professional Conduct 8.4(b).) In mitigation, the misconduct was not related to the practice of law. In aggravation, the underlying conduct involved Mr. Rindler's resisting a TSA search at the Sarasota airport, proceeding through a TSA scanner without authority, and entering the airport concourse. The entire screening area was briefly shut down, disrupting other passengers in the screening area.

The matter came before the Massachusetts Board on a stipulation of facts and disciplinary violations and a joint recommendation for discipline by public reprimand. The Board accepted the parties' recommendation and imposed a public reprimand.

III. ANALYSIS

The Massachusetts Board found that a Public Reprimand is the appropriate sanction, which was issued on April 10, 2014.

IV. SANCTION

The Professional Conduct Committee deliberated the matter on June 17, 2014, and recommended to the Court that for purposes of reciprocal discipline, a sanction of public censure is the equivalent to a public reprimand imposed by the Commonwealth of Massachusetts, Board of Bar Overseers. The Court concluded that a public censure is warranted, and the Committee hereby issues a Public Censure.


V. COSTS

Mr. Rindler shall be responsible for the expenses incurred by the Committee in the investigation and enforcement of this disciplinary matter. *See* Sup. Ct. R. 37(19)(b). Costs can include, but are not limited to: copying and costs associated with the publication of the censure. The assessment of costs shall become final unless Mr. Rindler responds in writing, within thirty (30) days of receipt of the Committee's statement of expenses, listing each disputed expense and explaining the reasons for disagreement. Sup. Ct. R. 37(19)(b). The Committee may resolve the disagreement, or enforce the assessment of costs by petition to the superior court in any county in the state. Sup. Ct. R. 37(19)(b).

The Committee may file a copy of the final assessment of costs with the superior court in any county in the state, where it shall be docketed as a final judgment and shall be subject to all

legally available post-judgment enforcement remedies and procedures. *See* Sup. Ct. R. 37(19)(c). Mr. Rindler shall be responsible for any costs incurred as a result of the Attorney Discipline Office's collection efforts.

August 22, 2014



David M. Rothstein, Chair

Distribution:

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File