

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

ORDER

LD-2014-0009, In the Matter of Jeremey A. Miller, Esquire

On October 1, 2014, the Attorney Discipline Office (ADO) filed a certified copy of an order of the Maine Supreme Judicial Court, in which the court determined that Attorney Jeremey A. Miller violated the Maine Rules of Professional Conduct and ordered that he be suspended from the practice of law in Maine for a period of three months, with the entire suspension period conditionally suspended from implementation.

The Maine Supreme Judicial Court found that Attorney Miller violated the rules of the United States Bankruptcy Court for the District of Maine when he filed a bankruptcy petition and supporting documents using the court's electronic case filing system despite the fact that the supporting documents did not contain an original signature of the client, as required. The court found that Attorney Miller's conduct, though unintentional, violated Maine Rules of Professional Conduct 1.3, 3.3(a), and 8.4(a) and (d). It ordered that Attorney Miller be suspended from the practice of law in Maine for three months, but that the suspension itself be suspended on the condition that Attorney Miller comply with certain conditions.

In accordance with Supreme Court Rule 37(12), which governs reciprocal discipline, the court issued an order requiring that a copy of the Maine Supreme Judicial Court's order be served on Attorney Miller. The court ordered Attorney Miller and the Professional Conduct Committee (PCC) to 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 a three-month suspension, conditionally suspended, was warranted. Attorney Miller filed no response.

Rule 37(12)(d) provides for the imposition of the same or substantially similar discipline by the Supreme 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; or

(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 Maine Supreme Judicial Court, the court is unable to find on the face of the record any basis for imposing substantially different discipline. See Rule 37(12)(d). It is clear from the record that Attorney Miller had an opportunity to participate, and did participate, in the Maine disciplinary proceedings. The court does not find that the imposition of a three-month suspension, conditionally suspended, would result in grave injustice or that Attorney Miller's misconduct would warrant substantially different discipline in New Hampshire. Accordingly, the court concludes that the imposition of the same discipline is warranted. It orders that Attorney Jeremey A. Miller be suspended from the practice of law in New Hampshire for a period of three months, and that the implementation of the entire suspension period be suspended on the condition that Attorney Miller comply with all of the terms set forth in the order of the Maine Supreme Judicial Court.

If the ADO and/or the PCC determines at any time that Attorney Miller has not met the conditions set forth in the order of the Maine Supreme Judicial Court, the PCC shall hold further proceedings to determine what additional action should be taken, which may include the filing of a request with the court to impose the three-month suspension.

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

DATE: November 21, 2014

ATTEST:


Eileen Fox, Clerk

Distribution:
Professional Conduct Committee
Janet F. DeVito, Esquire
Sara S. Greene, Esquire
Jeremey A. Miller, Esquire
File