

New Hampshire Supreme Court
Professional Conduct Committee

a committee of the attorney discipline system

David M. Rothstein, Chair
Benette Pizzimenti, Vice Chair
Elaine Holden,* Vice Chair
Peter G. Beeson
Susan R. Chollet*
Alan J. Cronheim
Richard H. Darling*

4 Chenell Drive, Suite 102
Concord, New Hampshire 03301
603-224-5828 ♦ Fax 228-9511

Heather E. Krans
Martha Van Oot
Georges J. Roy*
David W. Ruoff
Richard D. Sager
* non attorney member
Holly B. Fazzino, Administrator

Linda L. Ashford advs. Roy B. Frazel, III #10-082

and

Linda L. Ashford advs. Attorney Discipline Office #12-027

SIX MONTH SUSPENSION STAYED FOR ONE YEAR

On August 17, 2014, the Professional Conduct Committee (the “Committee”) deliberated the above matters. Members present included: David M. Rothstein, Chair, Benette Pizzimenti, Vice-Chair, Elaine Holden, Vice-Chair, Alan J. Cronheim, Richard H. Darling, Heather E. Krans, David W. Ruoff, and Richard D. Sager. Susan R. Chollet was present but abstained. Martha Van Oot and Georges J. Roy were absent. Peter G. Beeson was recused.

The matter arose from two cases. The first involved a divorce in which there were allegations of domestic violence (the “Frazel Case”). The parties stipulated that Ms. Ashford pursued remedies on behalf of her client without a sufficient factual basis, in violation of Rule 3.1: Meritorious Claims and Contentions. In addition, the parties stipulated that Ms. Ashford failed to make the Court aware of all of the facts pertinent to the court’s consideration of an ex parte request for a protective order, in violation of Rule 3.3(c): Duty of Candor to the Tribunal.

The second case involved Ms. Ashford’s use of an office employee to represent her client at a hearing in court (the “Treadwell Case”). The employee, Paul Coddington, was an attorney suspended from the practice of law. The parties stipulated that Ms. Ashford violated Rule 1.4(a)(2): Client Communications, by (1) allowing Mr. Coddington to represent Mr. Treadwell, (2) referring to Mr. Coddington as an “attorney” in correspondence with Mr. Treadwell, and (3) and failing to apprise Mr. Treadwell of Mr. Coddington’s status. In addition, the parties stipulated that Attorney Ashford violated Rule 5.3: Responsibilities Regarding Non-lawyer Assistants, by failing to verify Mr. Coddington’s status and allowing him act as Mr. Treadwell’s counsel.

The Committee voted to accept the facts as stipulated and found by the Hearing Panel, by clear and convincing evidence. The Committee also voted to accept the Rule violations as stipulated and found by the Hearing Panel. However, before voting on whether to accept the stipulated sanction, the Committee directed the parties to appear for oral argument.

Oral argument was held on November 21, 2014. Members present included David M. Rothstein, Chair, Benette Pizzimenti, Vice-Chair, Elaine Holden, Vice-Chair, Alan J. Cronheim, Richard H. Darling, Heather E. Krans, Martha Van Oot, Georges J. Roy, and David W. Ruoff. Susan R. Chollet abstained. Peter G. Beeson and Richard D. Sager were absent. Russell F. Hilliard, Esquire appeared for the Respondent. Sara S. Greene, Disciplinary Counsel, appeared for the Attorney Discipline Office. Ms. Ashford was present, as was Roy Frazel, the complainant in the first case.

The parties presented oral argument in support of the stipulated sanction of a four month suspension stayed for one year, with conditions outlined in the stipulation. Counsel also answered questions posed by the Committee. During the deliberation that immediately followed, the Committee noted the fact that Ms. Ashford's conduct posed significant risks of harm to Mr. Frazel, Mr. Treadwell, and the public. Her actions resulted in a protective order being issued against Mr. Frazel without just cause. In a separate and unrelated case, Ms. Ashford's failure to communicate with Mr. Treadwell and supervise Mr. Coddington resulted in Mr. Treadwell – unbeknownst to him – attending a hearing at which he was represented by a suspended lawyer.

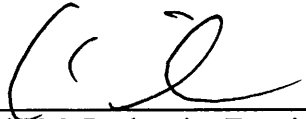
In view of the mitigating factors outlined in the stipulation, the Committee agreed that suspension was not warranted in this case. However, the Committee determined that the proposed sanction of a four-month stayed suspension was inadequate in light of all of the circumstances surrounding these two cases and the rule violations to which Ms. Ashford had stipulated. Accordingly, the Committee voted to conditionally accept the stipulation, contingent upon the parties' agreement to a sanction of a six-month suspension, stayed for one year.

On January 20, 2015, the Committee reviewed the responses of Disciplinary Counsel and Respondent's Counsel. Members present were David M. Rothstein, Chair, Elaine Holden, Vice Chair, Sue Chollet, Georges J. Roy, David W. Ruoff, Richard D. Sager and Martha Van Oot. Peter G. Beeson and Heather E. Krans were absent. Disciplinary Counsel and Respondent's Counsel agreed with the Committee's recommendation of a six-month suspension, stayed for one year. The Committee now approves the stipulation and imposes a sanction of a six-month suspension, stayed for one year, with all of the conditions set forth in the parties' stipulation.

The Committee voted to assess all costs associated with the investigation and prosecution of this matter, as well as costs associated with the November 21, 2014 hearing.

So ordered.

January 25, 2015



David M. Rothstein, Esquire
Chair

cc: Sara S. Greene, Disciplinary Counsel
Russell F. Hilliard, Esquire
File

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Scott H. Harris

4 Chenell Drive, Suite 102
Concord, New Hampshire 03301
603-224-5828 ♦ Fax 228-9511

Margaret R. Kerouac
Mona T. Movafaghi
Georges J. Roy*
Richard D. Sager
Martha Van Oot
* non attorney member
Barbara J. Guay, Legal Assistant

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CLOSED

On March 15, 2016, the Professional Conduct Committee deliberated the above captioned matter.

Upon consideration, the Committee voted to close the matters.

March 15, 2016



David M. Rothstein, Chair

Distribution:

Sara S. Greene, Disciplinary Counsel
Russell F. Hilliard, Esquire
File