

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

ORDER

LD-2016-0006, In the Matter of Richard C. Mooney, Esquire

On April 1, 2016, the Attorney Discipline Office (ADO) filed a petition for immediate interim suspension of Attorney Richard C. Mooney from the practice of law in New Hampshire. The ADO alleges, inter alia, that Attorney Mooney:

- (1) Settled a client's case without authority, forged his client's name on a settlement agreement and settlement check, and fabricated documents to substantiate misrepresentations that he made to the client about the case;
- (2) Filed false accounting in an estate matter in which he represented the executor, and failed to turn over the case file and funds of an estate after being discharged by the executor;
- (3) Misappropriated client funds;
- (4) Failed to comply with court rules relating to trust accounts and the safeguarding of client funds; and
- (5) Filed false trust accounting certificates with the Supreme Court.

The ADO further alleges that an audit of Attorney Mooney's law firm accounts demonstrates that Attorney Mooney's trust accounts are currently "out of trust." The ADO contends that Attorney Mooney's immediate interim suspension from the practice of law is necessary for the protection of the public and the preservation of the integrity of the legal profession.

Supreme Court Rule 37(16)(f) provides:

The court may suspend attorneys . . . upon such terms and conditions as the court deem necessary for the protection of the public and the preservation of the integrity of the legal profession.

Based on the information submitted by the ADO in its petition, the court finds that Attorney Mooney's immediate suspension from the practice of law is necessary to protect the public and to preserve the integrity of the legal profession. See Rule 37(16)(d) and (f). Accordingly, it is hereby ordered:

- (1) In accordance with Rule 37(9)(i) and (16)(f), Attorney Richard C. Mooney is immediately suspended from the practice of law in New Hampshire pending resolution of four pending disciplinary matters and further order of this court.
- (2) Copies of the petition for immediate interim suspension and of this order shall be served on Attorney Mooney by first class mail and certified mail at the latest address that Attorney Mooney provided to the New Hampshire Bar Association.
- (3) Within 15 days from the date of this order, Attorney Mooney may request a hearing on the issue of whether the interim suspension should be lifted, which will be promptly scheduled. See Reiner's Case, 152 N.H. 163 (2005).
- (4) Attorney Mooney is enjoined from transferring, assigning, hypothecating, or in any manner disposing of or conveying any assets of clients, whether real, personal, beneficial or mixed.

Pursuant to Supreme Court Rule 37(17), Attorney Daniel C. Proctor is appointed to take immediate possession of the client files and trust and other fiduciary accounts of Attorney Mooney, to make an inventory of such files and accounts, and to take such action as he deems necessary to protect the interests of Attorney Mooney's clients. Attorney Proctor is directed to take the following actions:

- a. Attorney Proctor shall notify all employees of Attorney Mooney of Attorney Mooney's suspension from the practice of law and of Attorney Proctor's appointment by the court.
- b. Attorney Proctor shall notify all banks and other entities where any trust or fiduciary accounts and operating accounts of Attorney Mooney are held of Attorney Mooney's suspension and of Attorney Proctor's appointment by the court.
- c. Attorney Proctor shall review any client files that Attorney Mooney maintained, and take such actions as he deems necessary to protect the interests of the clients.
- d. Attorney Proctor shall notify Attorney Mooney's clients by certified mail, return receipt requested, of his suspension, informing them of any action which appears to be required in the immediate future in order to preserve their legal rights and advising them that they should obtain the services of other lawyers of their choice.
- e. Attorney Proctor shall make an inventory of Attorney Mooney's client files and trust and other fiduciary accounts, and file a copy of the inventory with the court on or before July 5, 2016, together

with a report of his actions taken under this order and a recommendation as to what further actions should be taken to protect the interests of Attorney Mooney's clients.

Attorney Mooney is ordered to cooperate with Attorney Proctor in performing these tasks.

The Committee on Professional Conduct shall pay the fees of Attorney Proctor, in the first instance, to be reimbursed by Attorney Mooney, unless otherwise ordered by the court.

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

DATE: April 4, 2016

ATTEST:



Eileen Fox, Clerk

Distribution:

Sara S. Greene, Esquire
Richard C. Mooney, Esquire
Daniel C. Proctor, Esquire
File