

New Hampshire Supreme Court
Professional Conduct Committee

a committee of the attorney discipline system

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Santuccio, Danielle L. Richey advs. Attorney Discipline Office - #13-043

**SIX MONTH SUSPENSION STAYED ONE YEAR
WITH MANDATORY CONDITIONS AND ORDER ON COSTS**

On July 19, 2016, the Professional Conduct Committee (the “Committee”) deliberated the Stipulation as to Facts, Violations and Sanction (the “Stipulation”), Agreement to Extend Mentoring Agreement and to Mandatory Conditions (“Conditions”) and the Agreement to Pay Costs of Disciplinary Matter. Members present included David M. Rothstein, Chair, Elaine Holden, Vice Chair, Peter G. Beeson, Georges J. Roy, Scott H. Harris, and Martha Van Oot. Heather E. Krans, Vice Chair, Susan R. Chollet, Richard H. Darling, Margaret R. Kerouac, Mona T. Movafaghi, and Richard D. Sager were absent.

The Committee approved the facts as stipulated, by clear and convincing evidence. The Committee then approved the findings of violations of the New Hampshire Rules of Professional Conduct (the “Rules”) as stipulated, and approved the agreement to reimburse the Committee for all costs of investigation and prosecution.

I. FINDINGS OF FACT

1. Ms. Santuccio is an attorney licensed to practice law in New Hampshire. She was admitted to practice on October 31, 2006. At all times material to this proceeding, Ms. Santuccio operated her law office as Melendy, Lee, & Santuccio, P.A., 481 White Mountain Highway, P. O. Box 2046, Conway, New Hampshire 03818-2046.

2. Ms. Santuccio has not been admitted to practice law in any other jurisdiction.
3. Ms. Santuccio was sanctioned with a Public Censure with Mandatory Conditions for violations of Rules 1.1, 1.3 and 1.4 in 2016. See *Santuccio, Danielle Richey advs. Attorney Discipline Office - #12-042* (January 11, 2016).
4. This matter arises from a grievance filed by Charles Bradley Perry (“Mr. Perry”) on September 27, 2013. The matter was docketed on October 22, 2013 and referred to disciplinary counsel on December 11, 2014. Mr. Perry’s complaint arises from Ms. Santuccio’s representation of him during post-divorce proceedings.
5. In October 2011, Ms. Santuccio was retained to represent Mr. Perry in his divorce from his wife, Ms. Jodi Perry (“Ms. Perry”). (*In the Matter of Jodi Perry and Charles Perry*, Case No. 664-2011-DM-00189, 3rd Circuit – Family Division – Ossipee). During the divorce proceedings, Ms. Santuccio’s representation of Mr. Perry proceeded without any issues related to the representation. Cheryl Lieber, Esq. (“Ms. Lieber”) represented Ms. Perry.
6. On May 1, 2012, the court approved a Final Decree on Petition for Divorce and issued a Decree of Divorce. The Final Decree awarded one-half of Mr. Perry’s IRA and 401(k) to Ms. Perry. It also stated: “If necessary a Qualified Domestic Relations Order (“QDRO”) shall be prepared by **Danielle Santuccio, Esq.** and filed with the Court for approval to be submitted with the Final Proposed Decree within 30 days.” (Emphasis in original).
7. On May 8, 2012, Ms. Lieber wrote to Ms. Santuccio confirming that she would be supplying “Jodi’s IRA account information for the rollover from Brad’s account IRA as well as for the QDRO for his 401(k).”
8. On May 18, 2012, Ms. Lieber wrote to Ms. Santuccio, confirming a telephone conversation and stating, in relevant part:

Regarding Mr. Perry’s 401(k) and IRA – I will supply you with the account number for Jodi’s retirement with the mailed version of this letter. As we discussed, Jodi would like to have both her share of the 401(k) and her half of Mr. Perry’s IRA rolled over into her retirement account. Please let me know if there are any reasons why that cannot happen. I am mailing, but not faxing, her account information for your assistance.

9. On that same date, Ms. Santuccio's paralegal, Teri L. Herzog ("Ms. Herzog"), forwarded settlement checks for alimony and Ms. Perry's share of the marital real estate equity, pursuant to the Final Decree, to Ms. Lieber.

10. On May 25, 2012, Ms. Lieber wrote to Ms. Santuccio stating in relevant part:

Also, please let me know when Brad's IRA money has been transferred to Jodi's newly opened IRA account (I sent information regarding that account to your office last week). I am also requesting that we receive proof of value of his account as of May 2, 2012, as that is the date of the final decree.

I am assuming that you will send the QDRO to my office as soon as it is prepared. Again, as above, the date of value for the transfer should be May 2, 2012.

11. Ms. Santuccio's office did not, in fact, receive the IRA account information.

12. On June 19, 2012, Ms. Lieber sent Ms. Santuccio another letter, stating:

As I have not heard back from you regarding my letter of May 25, 2012, I am requesting that you contact me regarding the status of the preparation of the QDRO for Brad's pension. As I read the final decree, the QDRO was due to the Court within 30 days of May 2, 2012, but as of today's date I have not received it. My client has also informed me that as of today's date the IRA funds have not been transferred into her IRA account. Please provide me with the date, amount, and date of valuation of the transfer of those funds.

13. A July 2, 2012 phone message reflects that Ms. Santuccio called Mr. Perry regarding the QDRO.

14. On July 10, 2012, Ms. Lieber wrote to Ms. Santuccio again inquiring as to the status of the preparation of the QDRO and the distribution of Mr. Perry's IRA. She also stated, "Please let me know what is happening – if I don't hear from you by Monday, July 16, 2012, I will file a contempt motion with the Court to request enforcement of the final decree."

15. By letter dated July 13, 2012, Ms. Santuccio wrote to Ms. Lieber enclosing checks for Mr. Perry's half of the marital credit card debt and addressing other issues with respect to email communications between Mr. Perry and Ms. Perry. Regarding the QDRO, Ms. Santuccio advised: "At this time I am still trying to ascertain the retirement values as of the date of decree in order to draft the QDRO." In the closing of the letter, she advised: "I am working on getting the QDRO to you, during the course of writing this letter Mr. Perry emailed the retirement statement as of May 1, 2012. I am in Ossipee first thing on Monday, the 16th, but hope to draft it upon my return." Mr. Perry was copied on this letter.
16. On July 13, 2012, Mr. Perry sent the May 1, 2012 value of his 401(k) to Ms. Herzog by email. The 401(k) plan administrator, Fidelity Investments, faxed to Ms. Santuccio Mr. Perry's 401(k) information for his employment at Northeast Utilities Service Company.
17. Ms. Lieber faxed a letter to Ms. Santuccio on July 17, 2012 stating:

I am in receipt of your faxed letter As you know I tried to phone you regarding this letter, but the voicemail picked up and I left a message. I have not heard back from you regarding my message. I am again requesting the status of the IRA – you did not address that in your letter.

You should know that I do not agree with your analysis that there is [sic] been "no hardship" to my client because of the delay. One-half of the IRA money is her money, it was due to her within 30 days of the Court's Order, she is entitled to invest or spend it as she chooses – she is still being denied that opportunity. . . .

Please respond regarding the status of the IRA money.

18. On July 23, 2012, Ms. Santuccio spoke with Mr. Perry and requested his updated IRA information. She noted in her memo to the file that all the information she could find in the file was for the 401(k).
19. On August 2, 2012, Ms. Lieber faxed Ms. Santuccio again requesting the status of the IRA funds.
20. A phone message appears to reflect that Mr. Perry provided Ms. Santuccio with his IRA information for his account on August 9, 2012.
21. On August 21, 2012, Ms. Lieber wrote to Ms. Santuccio requesting that she contact her regarding the status of the IRA funds by August 30,

2012.

22. On September 10, 2012, Ms. Lieber wrote to Ms. Santuccio stating:

I have not heard back from you regarding the status of the transfer of Mr. Perry's IRA into my client's account. I have faxed, called and written to you several times but to no avail. I called your office last Friday and requested a response, but I have not heard anything from you. Unless I hear back from you today before the close of business I see no alternative but to file a contempt motion with the Court.

23. On September 17, 2012, Ms. Santuccio emailed Ms. Lieber stating:

I am working on the QDRO as we speak. I apologize for not getting back to you previously. It was my understanding that you had been contacted but it appears that assumption was incorrect. You will have this QDRO very shortly.

24. Ms. Lieber responded to the email: "thanks for the update on the QDRO. What I have been calling you and writing to you about is the IRA. What is the status? Please let me know today (about the IRA)."

25. Ms. Santuccio and Ms. Lieber spoke about the matter later that day.

26. On September 24, 2012, Ms. Lieber asked for a status on the IRA and Ms. Santuccio responded that she had a call in to Mr. Perry.

27. On October 16, 2012, Ms. Lieber filed a Motion to Bring Forward Final Decree For Contempt requesting that the court find "the Respondent, Charles Perry, in contempt for failing to transfer one-half of his IRA funds into Jodi Perry's IRA, and for failure to file any QDRO with this Court as previously ordered in the final divorce decree. . . ."

28. Mr. Perry was served with the Motion and Order of Notice on November 9, 2012. The Order of Notice scheduled the contempt hearing for November 26, 2012. Ms. Santuccio was not made aware of the Motion for Contempt until after Mr. Perry was served.

29. On November 15, 2012, Mr. Perry emailed Ms. Santuccio inquiring: "I don't mean to be a pest, just wondering if any progress has been made in regards to the 401k and IRA situation. . . ."

30. On November 20, 2012, Ms. Santuccio wrote to Ms. Lieber explaining that her firm had never received the IRA information for "Brad to transfer

funds to Jodi.” Ms. Santuccio concluded that Ms. Lieber had mistakenly mailed Ms. Perry’s copy to Ms. Santuccio, which had not included the necessary IRA numbers. Ms. Santuccio suggested that it was not necessary for the matter to go to court on November 26th.

31. Ms. Santuccio emailed the same letter to Ms. Lieber on November 26, 2012 noting that she was concerned that Ms. Lieber had not received the letter and that she would be available by telephone prior to the hearing.
32. Ms. Santuccio filed the Respondent’s Response to Motion to Bring Forward Final Decree for Contempt and Respondent’s Proposed Order on November 26, 2012.
33. After a hearing, the Court found Mr. Perry in civil contempt in a November 28, 2012 Order (mailed November 29, 2012). It found that he had failed to complete the required transfer. In relevant part, the Court stated:
34. The Court also required Mr. Perry to pay the plaintiff’s reasonable attorney’s fees and expenses after July 1, 2012. The Court further ordered:

Further, no later than December 15, 2012, defendant is ordered to complete the transfer of ½ of the IRA fund as of the date of the divorce on May 1, 2012, plus \$100.00 for the loss of use of the funds from June 1, 2012 to December 15, 2012, directly into plaintiff’s IRA account. Further the QDRO for the transfer of the 401K account, plus \$200.00 for loss of use of the funds since June 1, 2012, shall be completed no later than January 15, 2013.

35. On December 4, 2012, Mr. Perry emailed Ms. Santuccio requesting the information needed for the IRA transaction. He also stated: “I’ll pay the extra \$100, but will leave the 401K up to you, and wait to see what happens in regards to her attorney’s fees. If there’s any reason you feel against this, I’d appreciate your advice.”
36. Ms. Santuccio provided account information that Mr. Perry needed in an email dated December 6, 2012. She also stated:

I would like to file a Motion to Reconsider because I believe the Judge’s ruling is legally inaccurate. However, if you do not want me to do that I won’t. I don’t believe he has the authority to order the property settlement to be different or to incur sanctions in the manner he did. Because of this I

would suggest you just transfer the May 1, 2012 amount, and hold off on any additional amount. If this makes you uncomfortable please let me know.

37. Mr. Perry responded that same day stating:

Thanks for getting back to me. I'll do the transaction tomorrow, and I'm going to include the \$100, in the event the motion you file doesn't pan out. I trust your advice, though, and if you think the motion is worth pursuing, that's fine. I just don't want to rack up any more bills than I already have. Are there any time constraints in regards to filing the motion? Just my wheels turning . . . again. Thanks for everything.

38. Ms. Santuccio replied, "The motion is due Tuesday and I'm not charging . . . If you have any problems with the transaction let me know!"

39. Upon further review, Ms. Santuccio determined that a Motion for Reconsideration would be without merit and did not file it.

40. Ms. Lieber filed her affidavit of attorney's fees and costs on December 13, 2012. The Court approved the attorney's fees and costs of \$1,407.65 on December 18, 2012. Mr. Perry paid Ms. Lieber's fees and costs on December 28, 2012.

41. Ms. Santuccio did not charge Mr. Perry for her legal fees in addressing the contempt motion or for appearing for that hearing.

42. The file reflects that between December 10, 2012 and December 18, 2012, Ms. Lieber and Ms. Santuccio corresponded to arrange the particulars for the transfer of the IRA funds. The distribution occurred on or about December 18, 2012.

43. In January 2013, Ms. Santuccio recalls spending a full day working on the QDRO but could not determine whether the benefits were "defined" or "undefined." She called the plan administrator for further information. She also mentioned to Ms. Lieber when they were at court on another matter that they needed to talk about the QDRO.

44. On January 22, 2013, Ms. Lieber faxed Ms. Santuccio a letter requesting the status of the QDRO. Ms. Lieber left a follow-up message on January 30, 2013.

45. On February 7, 2013, Ms. Lieber filed a Motion to Bring Forward Final Decree for Contempt And Request for Further Sanctions asserting that Mr. Perry should be found in contempt for “failing to prepare and/or provide a QDRO as previously ordered by this Court on November 28, 2012 . . .” The Motion stated: “While Mr. Perry did transfer the IRA, he has failed to file or produce any QDRO, and despite attempts to contact Mr. Perry’s attorney regarding same, there has been no response from Attorney Santuccio in this regard.”
46. Mr. Perry was served with the renewed Motion on March 20 or 21, 2013.
47. Ms. Lieber did not send a copy of the Motion to Ms. Santuccio. As a result, Ms. Santuccio learned of it when her client contacted her.
48. Mr. Perry retained other counsel and on April 7, 2013, he wrote to Ms. Santuccio requesting that she withdraw. Ms. Santuccio’s withdrawal was filed on April 11, 2013.
49. A hearing on the second contempt motion went forward on June 24, 2013. Charles L. Greenhalgh, Esq. (“Mr. Greenhalgh”) represented Mr. Perry. In a June 25, 2013 Order, Judge Patten found that Mr. Perry had failed to provide the QDRO for his 401K account by January 15, 2013, and must “pay an additional \$200.00 for plaintiff’s loss of use of the portion of the 401K distributed to her as part of the final divorce decree, as ordered on 11/28/2012.”
50. The court found Mr. Perry in contempt of the November 28, 2012 order and sanctioned him with the plaintiff’s attorney’s fees and costs and noted that Mr. Perry still owed \$200.00 from his 401(k) that he had previously been ordered to pay.
51. Mr. Perry was not aware of the second motion for contempt until March 2013 when he accepted service from the sheriff.
52. The court approved Attorney Lieber’s Fees and Costs in the amount of \$1,277.65. Mr. Perry paid them.
53. Mr. Perry also paid attorney’s fees to Mr. Greenhalgh for his preparation of the QDRO and defending him at the June 24, 2013 contempt hearing.
54. Mr. Perry brought a small claim complaint against Ms. Santuccio and her firm. (*Charles Bradley Perry v. Danielle Santuccio, Esq.*, Case No. 464-2014-SC-00117, 3rd Circuit – District Division – Ossipee.) The parties settled the matter in August 2015.

55. In July 2011, Ms. Santuccio began working at the Melendy firm. Shortly, after joining that practice, Ms. Santuccio took on more responsibility within the firm as the senior partners, Fay Melendy and Susan Lee, began to wind down their practices, in preparation for retirement in 2012. Two experienced paralegals also left the firm as of February 1, 2012. As a result of these events and a large case load, Ms. Santuccio had difficulties managing her workload during 2012. She has since taken steps to improve her management of her law practice and her case load.

II. RULINGS OF LAW

The Committee concludes that there is clear and convincing evidence that Danielle Richey Santuccio has violated the following Rules of Professional Conduct by clear and convincing evidence:

Rule 1.1: Competence

56. Ms. Santuccio owed a duty to Mr. Perry to provide competent representation.
57. The May 1, 2012 Final Decree required that Ms. Santuccio prepare and file the QDRO within 30 days.
58. As of the November 26, 2012 contempt hearing, Ms. Santuccio had not filed the QDRO with the Court.
59. Although the Final Decree did not specify a deadline for completion of the IRA transfer from Mr. Perry to Ms. Perry, Ms. Lieber regularly inquired of Ms. Santuccio as to when the IRA transfer would be completed. Accordingly, Ms. Santuccio was aware that Ms. Lieber and her client expected that it would occur in a timely fashion. As of the November 26, 2012 contempt hearing, more than five months after the Final Decree was issued, the IRA transfer had not been completed.
60. The Court's November 28, 2012 Order held Mr. Perry in contempt and ordered him to pay Ms. Perry an additional \$100 for loss of use of her share of the IRA funds and an additional \$200 for loss of use of her share of the 401(k). Mr. Perry was also required to pay attorney's fees and costs of \$1,407.65.
61. The Court's November 28, 2012 Order required that the QDRO be completed no later than January 15, 2013. As of March 20, 2013, when Mr. Perry was served with the second Motion for Contempt, Ms. Santuccio still had not completed the QDRO or made arrangements with

opposing counsel for an extension of time due to the difficulties she faced in preparing the QDRO.

62. Ms. Santuccio failed to pay attention to details and schedules necessary to assure that completion of Mr. Perry's post-divorce matters were undertaken with no avoidable harm to his interests.
63. Ms. Santuccio failed to gather sufficient facts to adequately assist her client and failed to undertake actions on her client's behalf in a timely and effective manner when she failed to gather sufficient information for her client to effectuate the IRA transfer and she failed to gather sufficient information to complete the QDRO in a timely and effective manner.

Rule 1.3: Diligence

64. Ms. Santuccio had a duty to act with reasonable promptness and diligence on behalf of her client.
65. Ms. Santuccio breached that duty when she failed to assure that the IRA transfer occurred and the preparation of the QDRO was completed.
66. The May 1, 2012 Decree of Divorce required that Ms. Santuccio prepare and file the QDRO within 30 days.
67. As of the November 26, 2012 contempt hearing, Ms. Santuccio had not filed the QDRO with the Court.
68. Although the Decree of Divorce did not specify a deadline for completion of the IRA transfer from Mr. Perry to Ms. Perry, Ms. Lieber repeatedly inquired of Ms. Santuccio as to when the IRA transfer would be completed between May and October 2012. As of the November 26, 2012 contempt hearing, the IRA transfer had not been completed.
69. Ms. Santuccio's failure to act resulted in the Court's November 28, 2012 Order holding Mr. Perry in contempt and ordering him to pay Ms. Perry an additional \$100 for loss of use of her share of the IRA funds and an additional \$200 for loss of use of her share of the 401(k). Mr. Perry was also required to pay attorney's fees and costs of \$1,407.65.
70. The Court's November 28, 2012 Order required that the QDRO be completed no later than January 15, 2013. As of March 20, 2013, when Mr. Perry was served with the second Motion for Contempt, Ms. Santuccio still had not completed the QDRO or made arrangements with opposing counsel for an extension of time due to the difficulties she faced

in preparing the QDRO. Ms. Santuccio failed to act in spite of two inquiries from opposing counsel as to the status of the preparation of the QDRO.

71. Ms. Santuccio's conduct as described above constitutes a failure to act with reasonable promptness and diligence on behalf of her client.

Rule 3.2: Expediting Litigation

72. Ms. Santuccio owed Mr. Perry a duty to make reasonable efforts to expedite his post-divorce matters in a manner consistent with his interests.
73. Ms. Santuccio breached this duty by failing to reasonably respond to Ms. Lieber's repeated inquiries as to the status of the transfer of the IRA funds and the preparation of the QDRO.
74. Ms. Santuccio further breached this duty by failing to obtain the necessary information for Mr. Perry to effectuate the IRA transfer in a reasonable period of time; by failing to prepare the QDRO within the time-frame set forth by the Decree of Divorce; and by further failing to prepare the QDRO by the January 15, 2013 court-ordered deadline resulting in harm to Mr. Perry's interests.

Rule 3.4(c): Fairness to Opposing Party and Counsel

75. The November 28, 2012 order required that Ms. Santuccio prepare the QDRO by January 15, 2013. Ms. Santuccio knew of the Court's November 28, 2012 order and its requirements.
76. As of March 20, 2013, when Mr. Perry was served with the second Motion for Contempt, Ms. Santuccio still had not completed the QDRO or made arrangements with opposing counsel for an extension of time due to the difficulties she faced in preparing the QDRO.
77. Ms. Santuccio's failure to comply with the Court's November 28, 2012 order constitutes a violation of Rule 3.4(c).

Rule 8.4(a): General Rule

78. Having found the foregoing violations, there is clear and convincing evidence that Ms. Santuccio's conduct violated Rule 8.4(a).

III. ANALYSIS

The Stipulation included an agreement on recommended sanctions based on the violations of Rules 1.1; 1.3; 3.2, 3.4(c); and 8.4(a). For the reasons set forth below, the Committee agrees with and accepts the recommended sanction of a six month suspension stayed for one year with mandatory conditions and an order to pay costs of investigation and prosecution.

Prong I: Duty Violated

Under the first prong of the analysis, Ms. Santuccio violated duties owed to her client to provide competent, and diligent representation, to expedite litigation consistent with her client's interests, and to obey an obligation of the Court. *See Standards* §§ 4.5, 4.4 and 6.2.

Prong II: Mental State: Knowing or Negligent

The parties agree that Ms. Santuccio's mental state was initially negligent but became knowing after several reminders from opposing counsel and a court order finding her client in contempt did not prompt Ms. Santuccio to take action.

Prong III: Injury or Potential Injury

The third prong of the sanction analysis requires an assessment of the actual or potential injury caused by Ms. Santuccio's misconduct.

Ms. Santuccio's conduct caused actual and potential injury. Her inaction resulted in the Court finding her client in contempt on November 28, 2012. That finding resulted in actual harm because Mr. Perry was required to pay an additional \$200 out of his 401(k) account to Ms. Perry and he was responsible for opposing counsel's attorney's fees and costs of \$1,407.65.

In March 2013, when Mr. Perry was served with the second Motion for Contempt, Ms. Santuccio still had not completed the QDRO or made arrangements with opposing counsel for an extension of time. This resulted in further injury and potential injury to Mr. Perry because he hired new counsel.

Mr. Perry was further injured in that it was necessary for him to bring a small claims action against Ms. Santuccio to recover his payments. That matter was settled.

Prong IV: Aggravating and Mitigating Factors

The baseline sanction must be considered in light of any aggravating and

mitigating factors. *E.g., Conner's Case*, 158 N.H. 299, 303 (2009). In this case, there are no applicable aggravating factors. *See Standards* § 9.22. There are mitigating factors, including absence of a dishonest or selfish motive; full and free disclosure to the ADO; and a cooperative attitude. *See Standards* § 9.32. Additionally, Ms. Santuccio struggled with managing her case load during 2012 as result of transitions within her firm, including the retirement of two senior partners and the departure of two experienced paralegals.

The conduct in this matter occurred between May 2012 and March 2013. Ms. Santuccio did not have a disciplinary history when the conduct occurred. However, on October 29, 2012, another client filed a grievance against her in the #12-042 matter. On January 11, 2016, the PCC issued an order in the #12-042 matter disciplining Ms. Santuccio with a public censure with mandatory conditions for violations of Rules 1.1, 1.3 and 1.4. The conduct giving rise to that matter occurred between July 2009 and October 2012.

A portion of the conduct in this case overlapped with the conduct in the #12-042 matter and a portion of the conduct occurred after Ms. Santuccio was on notice of the earlier grievance filed with the ADO. As such, the parties agree that neither a lack of disciplinary history nor a prior disciplinary history are relevant mitigating or aggravating factors in this case.

Likewise, Ms. Santuccio had been practicing law for about six years when this misconduct occurred. The parties agree that Ms. Santuccio's level of experience is neither a mitigating nor aggravating factor.

The parties agree that the baseline sanction is a suspension. They also agree that the lack of aggravating factors and existence of mitigating factors support a stayed six-month suspension with mandatory conditions as an appropriate sanction that "will satisfy the stated purpose of protecting the public, maintaining the public confidence in the bar, preserving the integrity of the legal profession, and deterring future misconduct." *Welts' Case*, 136 N.H. 588, 593 (1993).

IV. SANCTION

Having made the aforementioned findings and rulings, the Committee concludes that the appropriate discipline is a six month suspension stayed for one year with mandatory conditions. The Committee's recommended sanction is in accord with the purposes of attorney discipline. *Conner's Case* 158 N.H. at 303; *Richmond's Case*, 152 N.H. 155, 159-60 (2005). This sanction is also in accord with the *Standards*. The purpose of the Court's disciplinary power "is not to inflict punishment but rather to protect the public, maintain public confidence in the bar, preserve the integrity of the legal profession, and prevent

similar conduct in the future.” *Grew’s Case*, 156 N.H. 361, 365 (2007) (quotation and citation omitted).

VI. MANDATORY CONDITIONS

The mandatory conditions are as follows:

- An extension of the mentoring agreement currently in place in the matter of *Santuccio, Danielle Richey advs. Attorney Discipline Office - #12-042* (#12-042 matter) for six additional months (The mentoring agreement in #12-042 matter provides that the final report will be due on February 6, 2017), resulting in a due date of August 6, 2017, for the final report;
- The completion of six additional CLE credits before June 30, 2017, approved by the ADO, in addition to the required twelve annual credits, involving preparation of QDROs and related issues regarding post-divorce proceedings; and,
- No further complaints filed with the ADO during a one year monitoring period, effective the date the PCC approves this Stipulation.

VII. COSTS

Ms. Santuccio has signed an agreement to pay costs of the investigation and prosecution of this disciplinary matter. The Committee approves this agreement. Ms. Santuccio shall be responsible for all costs associated with the investigation and prosecution of this matter.

VIII. CONCLUSION

For all of the above reasons, the Committee approves the stipulation and conditions in its entirety and issues this six month suspension stayed for one year with mandatory conditions.

August 8, 2016



David M. Rothstein
Chair

cc: Elizabeth M. Murphy, Assistant Disciplinary Counsel
Danielle L. Richey Santuccio, Esquire
File

New Hampshire Supreme Court
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Order

Danielle L. Richey (formerly Santuccio) was suspended from the practice of law on June 17, 2019. While Attorney Richey has been the subject of other professional conduct matters, none could be used to trigger the imposition of additional sanctions in the above cases. Even if they could, she is already suspended. The Attorney Discipline Office has, therefore, asked to close these matters. The Professional Conduct Committee grants that requests.

Cases 12-042 and 13-043 are closed.

August 8, 2019



David M. Rothstein
Chair

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Elizabeth M. Murphy, Assistant Disciplinary Counsel
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