

**THE STATE OF NEW HAMPSHIRE**

**SUPREME COURT**

**ORDER**

**LD-2014-0011, In the Matter of Zachary A. Cross, Esquire**

On July 21, 2015, the Attorney Discipline Office filed certified copies of court records showing that the respondent, Attorney Zachary A. Cross, had been convicted of the offenses of official oppression, a misdemeanor, and possession of a controlled drug, a felony. After receiving notification of the convictions, the court referred the matter to the Professional Conduct Committee (PCC) for a recommendation as to the sanction that should be imposed for the respondent's misconduct. After proceedings, the PCC recommended that the respondent be suspended for a period of three years conditioned upon his compliance with certain conditions, and that he be required to reimburse the PCC for all costs associated with the investigation and prosecution of this matter.

After the PCC filed its recommendation, an order was issued, in accordance with Supreme Court Rule 37(16), notifying the respondent and Disciplinary Counsel of the recommendation and advising them to notify the court of any legal or factual issues relating to the recommendation that they wished the court to review. The order stated that if neither party identified an issue to be reviewed, no further hearing would be required, and the court could decide the matter based upon the record of the PCC proceedings. No response to the order has been filed.

The PCC found that the respondent's conduct violated the following Rules of Professional Conduct:

- (1) Rule 8.4(b), which makes it professional misconduct for a lawyer to commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects; and
- (2) Rule 8.4(a), which makes it professional misconduct for a lawyer to violate the Rules of Professional Conduct.

The PCC recommends that the respondent be suspended for a period of three years conditioned upon his compliance with three conditions: (1) that he comply with all the conditions set forth in the Monitoring Agreement that he entered into with the New Hampshire Lawyers Assistance Program; (2) that he

not engage in any further professional misconduct; and (3) that he not engage in any further criminal conduct. It also recommends that the respondent be responsible for all costs associated with the investigation and prosecution of this matter.

We have reviewed the record of the PCC proceedings and we accept its findings and rulings as to the rule violations. We also accept its recommendation that the respondent be suspended for a period of three years, conditioned upon his compliance with the above conditions, and that he be assessed the cost of investigating and prosecuting this matter.

THEREFORE, Attorney Zachary A. Cross is hereby suspended from the practice of law in New Hampshire for a period of three years, effective immediately. Attorney Cross is assessed all of the expenses incurred by the Professional Conduct Committee in the investigation and prosecution of this matter. See Rule 37(19).

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

DATE: June 13, 2016

ATTEST:

  
Eileen Fox, Clerk

Distribution:

Janet F. DeVito, Esquire  
✓ Sara S. Greene, Esquire  
Zachary A. Cross, Esquire  
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Professional Conduct Committee  
File