

New Hampshire Supreme Court
Professional Conduct Committee

a committee of the attorney discipline system

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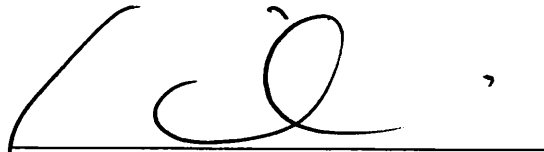
Mooney, Richard C. advs. Attorney Discipline Office
Case Numbers: #15-019;#15-041; #16-004; #16-014; #16-019; #16-021

Recommendation: Disbarment and Order on Costs

On September 20, 2016, the Professional Conduct Committee (the “Committee”) deliberated the Assented-To Motion to Permit Waiver of Hearings Committee Process; and Stipulation as to Facts, Violations, and Sanction (the “Stipulation”) (collectively, the “Record”).

Having reviewed the Record, the Committee approved the facts as stipulated, by clear and convincing evidence. The Committee approved the findings of violations of the New Hampshire Rules of Professional Conduct (the “Rules”) as stipulated and to recommend Disbarment for violations of Rules 1.2, 1.5, 1.15, 3.3, 3.4(c), 8.1(b), 8.4(b), 8.4(c) and 8.4(a), as well as reimbursement of the Committee for all costs of investigation and prosecution of this matter.

September 20, 2016



David M. Rothstein, Chair

Distribution:

Sara S. Greene, Disciplinary Counsel
Howard A. Roevers, Esquire
File

NEW HAMPSHIRE SUPREME COURT
PROFESSIONAL CONDUCT COMMITTEE

Mooney, Richard C. advs. ADO - #15-019;

Mooney, Richard C. advs. ADO - #15-041;

Mooney, Richard C. advs. ADO - #16-004;

Mooney, Richard C. advs. ADO - #16-014

Mooney, Richard C. advs. ADO - #16-019; and

Mooney, Richard C. advs. ADO - #16-021

STIPULATION TO DISBARMENT

NOW COME Sara S. Greene, Disciplinary Counsel of the New Hampshire Supreme Court Attorney Discipline Office, along with Richard C. Mooney, and stipulate as follows:

1. Mr. Mooney is an attorney currently suspended, on an interim basis, from the practice of law. The Supreme Court suspended Mr. Mooney by Order dated April 4, 2016.
2. Mr. Mooney was admitted to practice in New Hampshire on October 31, 1994. At all times material to this proceeding, Mr. Mooney operated his law office as Richard C. Mooney & Associates, PC, located at 83 Clinton Street, Concord, NH 03301.

3. Mr. Mooney was admitted to practice law in New York in 1988. His status there is “delinquent.”
4. Mr. Mooney’s address listed with the New Hampshire Bar Association is 83 Clinton Street, Concord, New Hampshire 03301.
5. Mr. Mooney is currently the subject of formal proceedings of the ADO in regard to a total of eight matters and wishes to stipulate to disbarment.
6. The ADO filed a Consolidated Notice of Charges on July 25, 2016. The Notice of Charges is attached hereto as Exhibit 1. Mr. Mooney failed to answer the Notice of Charges issued in this matter within 30 days of his receipt of the Notice of Charges. Therefore the allegations are “deemed to be admitted.” See Sup. Ct. R. 37A(III)(b)(3)(A).
7. While Mr. Mooney acknowledges and accepts these admissions, which operate as a matter of law, there are certain factual allegations which he would have denied had he filed an Answer. Mr. Mooney admits, however, that the majority of the material facts upon which the Notice of Charges is predicated are true and could not be successfully defended. Any admission or partial admission referred to herein is only for the purpose of this proceeding and not for the purpose of any other proceeding or action which may or may not follow.
8. Mr. Mooney also admits to all material facts found in the ADO audit report dated March 30, 2016 and the supplemental audit report dated May 6, 2016. The audit reports are attached hereto as Exhibit 2 and

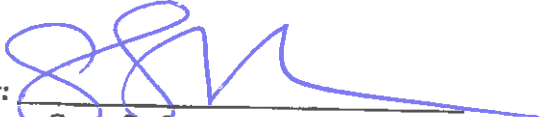
Exhibit 3, and are incorporated herein by reference.

9. In the unlikely event that Mr. Mooney applies for readmission to the Bar, he understands that the ADO may object to his application and, in its discretion, may bring forward and prosecute the underlying disciplinary matters. Mr. Mooney waives his defenses and his right to assert that such prosecution would be barred by the statute of limitations. Mr. Mooney understands that he will be bound by his representations and admissions as contained in this Stipulation and related attachments. Mr. Mooney also understands that in the event he applies for readmission, this matter may be presented to the Committee on Character and Fitness.
10. Mr. Mooney agrees to pay the costs incurred by the ADO in the investigation and pursuit of this disciplinary matter. His agreement to pay costs is the subject of a separate agreement with the ADO.
11. Mr. Mooney waives any and all of his due process rights under both the state and federal constitutions on the matters pending against him.
12. Mr. Mooney further waives any and all of his procedural rights under N.H. Sup. Ct. R. 37 and 37A, including his right to a hearing before a Hearing Panel.
13. In deciding both to sign this Stipulation to Disbarment, and to waive these rights, Mr. Mooney has had the advice of counsel.
14. Mr. Mooney consents to Disbarment, concedes that disbarment is the appropriate sanction for his misconduct, and asks the Committee to

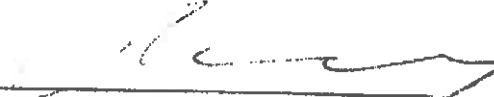
recommend to the New Hampshire Supreme Court to impose an Order of Disbarment in this attorney discipline matter.

Respectfully submitted,

Dated: September 19, 2016

By: 
Sara S. Greene
Disciplinary Counsel

Dated: September 19, 2016

By: 
Richard C. Mooney
Respondent

Dated: September 19, 2016

By: 
Howard A. Roever, Esquire
Counsel for Respondent