

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

ORDER

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

On September 20, 2016, the Professional Conduct Committee (PCC) filed a recommendation that Attorney Richard C. Mooney be disbarred. The PCC's recommendation was based on a stipulation signed by Attorney Mooney and Disciplinary Counsel, in which Attorney Mooney admitted that he had violated numerous Rules of Professional Conduct and conceded that disbarment was the appropriate sanction for his misconduct. Attorney Mooney also agreed to reimburse the PCC for all costs of 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 Attorney Mooney and Disciplinary Counsel of the PCC's recommendation and advising them to notify the court of any legal or factual issues relating to the PCC's 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. The order was sent by both first class and certified mail to Attorney Mooney at the latest address that he provided to the New Hampshire Bar Association. See Rule 37(16)(c). In accordance with Rule 42E(c), Attorney Mooney is deemed to have received this notice. No response to the order has been filed.

The PCC found that Attorney Mooney violated the following Rules of Professional Conduct:

1. Rule 1.2, which generally requires a lawyer to abide by a client's decisions concerning the objectives of representation and to consult with the client as to the means by which they are pursued;
2. Rule 1.5, which prohibits a lawyer from charging or collecting an unreasonable fee;
3. Rule 1.15, which requires a lawyer to safeguard the property of clients or third persons in his possession, and Supreme Court Rules 50, which establish requirements for lawyer trust accounts;
4. Rule 3.3, which prohibits a lawyer from making false statements of fact or law to a tribunal;

5. Rule 3.4(c), which prohibits a lawyer from knowingly disobeying an obligation under the rules of a tribunal;
6. Rule 8.1(b), which prohibits a lawyer from knowingly failing to respond to a lawful demand for information from a disciplinary authority;
7. Rule 8.4(b), which makes it professional misconduct to commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects;
8. Rule 8.4(c), which prohibits a lawyer from engaging in conduct involving deceit, dishonesty, or misrepresentation; and
9. Rule 8.4(a), which prohibits a lawyer from violating the Rules of Professional Conduct.

The court has reviewed the "Stipulation to Disbarment" and the PCC's recommendation that Attorney Mooney be disbarred. After considering the nature, seriousness, and extent of Attorney Mooney's misconduct, the court concludes that disbarment is the appropriate sanction in this case.

THEREFORE, the court orders that Richard C. Mooney be disbarred from the practice of law in New Hampshire. He is hereby assessed all expenses incurred by the Professional Conduct Committee in the investigation and prosecution of this matter.

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

DATE: December 30, 2016

ATTEST:



Eileen Fox, Clerk

Distribution:

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