

**THE STATE OF NEW HAMPSHIRE**

**SUPREME COURT**

**ORDER**

**LD-2016-0021, In the Matter of Christopher S.M. Driscoll, Esquire**

On November 14, 2016, the Attorney Discipline Office (ADO) filed a certified copy of an order of the Supreme Judicial Court for Suffolk County (Massachusetts), suspending Attorney Christopher S.M. Driscoll from the practice of law in Massachusetts for a period of six month, with reinstatement pursuant to a court rule requiring a reinstatement hearing. The discipline was based upon the finding that Attorney Driscoll violated numerous Rules of Professional Conduct and Rules of the Supreme Judicial Court while representing clients who had retained him to defend them in a civil suit. Specifically, Attorney Driscoll was found to have violated the following Massachusetts Rules of Professional Conduct:

1. Rule 1.1, 1.2(a) and 1.3, by failing to provide competent representation and to perform services with reasonable diligence.
2. Rule 1.4(a) and (b), by failing to keep clients reasonably informed regarding the status of their case and by failing to explain the status of their matter to the extent required for them to make informed decisions about the matter.
3. Rule 1.5(b), by failing to communicate in writing the scope of the representation and the basis or rate of fees and expenses for which the clients would be responsible.
4. Rule 3.4(c), 8.4(d) and (h), by intentionally failing without good cause to comply with an order of administrative suspension.
5. Rule 8.4(d), 8.4(g) and (h), by failing without good cause to comply with bar counsel's requests for information.

In addition to these rules, Attorney Driscoll was found to have violated several rules of the Supreme Judicial Court.

In accordance with Supreme Court Rule 37(12)(b), the court ordered that a copy of the order of the Supreme Judicial Court be served on Attorney Driscoll. It further ordered Attorney Driscoll and the Professional Conduct

Committee (PCC) to inform the court if either contended that the imposition of identical or substantially similar discipline would be unwarranted. The PCC notified the court that it believed the imposition of a six-month suspension was warranted. Attorney Driscoll filed no response.

Rule 37(12)(d) provides for the imposition of reciprocal discipline by the court unless the respondent attorney or the PCC demonstrates, or the court finds, based upon the face of the record from which the discipline is predicated, that: (1) the procedure followed by the jurisdiction imposing discipline was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process; (2) the imposition of the same or substantially similar discipline by the court would result in grave injustice; or (3) the misconduct established warrants substantially different discipline in New Hampshire.

Having reviewed the order of the Supreme Judicial Court, the court concludes that none of these factors are present. It appears from the order that Attorney Driscoll had notice of the Massachusetts disciplinary proceedings. In light of the numerous rule violations and the seriousness of Attorney Driscoll's misconduct, the court does not find that the imposition of a six-month suspension would result in grave injustice or that his misconduct would warrant substantially different discipline in New Hampshire. Accordingly, the court concludes that a reciprocal six-month suspension should be imposed.

Therefore, the court orders that Attorney Christopher S.M. Driscoll be suspended from the practice of law in New Hampshire for a period of six months. The suspension shall become effective on February 27, 2017, unless a motion for reconsideration is filed before that date.

Any motion for reinstatement will be governed by Rule 37(14)(b). Attorney Driscoll is hereby assessed all expenses incurred by the Professional Conduct Committee in the investigation and prosecution of this matter. See Rule 37(19).

On or before March 20, 2017, the Attorney Discipline Office shall advise the court whether the appointment of an attorney is necessary to take possession of any client files or trust accounts.

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

DATE: February 16, 2017

ATTEST:

  
**Eileen Fox, Clerk**

Distribution:

Brian R. Moushegian, Esquire

Christopher S.M. Driscoll, Esquire

Heather E. Krans, Esquire

File