

New Hampshire Supreme Court
Professional Conduct Committee
a committee of the attorney discipline system

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Pearson, Michael T. advs. Attorney Discipline Office - #13-026
Pearson, Michael T. advs. Attorney Discipline Office - #14-032 (Remand)

ORDER

On December 2, 2016, a Hearing Panel conducted an evidentiary hearing on a motion to impose a previously-stayed six-month suspension filed by the Attorney Discipline Office (“ADO”). The motion alleged that Mr. Pearson had agreed to seek care and counseling with a psychologist, and that he failed to do so for a three-month period. The Panel heard testimony from Mr. Pearson’s counselor and Mr. Pearson, and considered a voluminous record.

On December 27, 2016, the Panel issued an order finding that Mr. Pearson violated the term of the stayed suspension that required him to seek care and counseling with a psychologist, and imposed the six-month suspension. Mr. Pearson appealed and requested oral argument before the Professional Conduct Committee. The Committee scheduled that argument for February 21, 2017 at 9:10 a.m.

The day before the argument, Mr. Pearson sent an email to the ADO. The office was closed for the President’s Day holiday. In his email, Mr. Pearson stated that he had just started a new job and he would not be able to attend the oral argument that he requested. The email will be made a part of the record in this case.

On February 21, 2017, the Committee convened the oral argument. A stenographer was present, as was Sara Greene, Esq., for the ADO. Mr. Pearson was not present. The Chair began the argument by noting Mr. Pearson’s absence, and the reason for his absence. The Chair stated that to the extent the email was a request for a continuance of the oral argument, that request

was denied. Attorney Greene then was asked if she had anything to add to the record in this case. She did not. The Committee was asked if it had any questions for Attorney Greene. It did not. The oral argument was adjourned.

After the argument, the Committee deliberated. Having in mind its standard of review, *see* Sup. Ct. R. 37A(III)(d)(2)(C)(i), the Committee voted to uphold the Panel's decision. Accordingly, Mr. Pearson is suspended from the practice of law for six months, effective December 27, 2016. He is liable for all costs of prosecution, including costs incurred for convening the oral argument that he requested and did not attend.

Mona Movafaghi, Esq. was absent and did not participate. David McGrath, Esq. was recused.

February 24, 2017



David M. Rothstein
Chair

cc: Sara S. Greene, Disciplinary Counsel
Michael T. Pearson, Esquire
Eileen Fox, Clerk
Pamela E. Phelan, Clerk
Susan Lakeway, NHBA
File