

**THE STATE OF NEW HAMPSHIRE**

**SUPREME COURT**

**In Case No. LD-2016-0018, Appeal of Craig N. Salomon, Esquire, the court on November 14, 2017, issued the following order:**

Attorney Salomon's motion to reconsider is denied. The six month suspension imposed by the court in its order of October 18, 2017, shall become effective on November 16, 2017.

Dalianis, C.J., and Hicks, Lynn, Bassett, and Hantz Marconi, JJ., concurred.

**Eileen Fox,  
Clerk**

Distribution:  
Professional Conduct Committee, 13-011  
Craig N. Salomon, Esquire  
Russell F. Hilliard, Esquire  
Brooke Lovett Shilo, Esquire  
Elizabeth M. Murphy, Esquire  
David M. Rothstein, Esquire  
File

**THE STATE OF NEW HAMPSHIRE**

**SUPREME COURT**

**O R D E R**

**LD-2016-0018, In the Matter of Craig N. Salomon, Esquire**

On May 12, 2017, the court issued an order suspending Attorney Craig N. Salomon from the practice of law in New Hampshire for a period of six months, but staying imposition of the suspension for a period of six months. The order stated that if any further grievances filed with the ADO were docketed as complaints, the Professional Conduct Committee (PCC) “shall notify the court, and may request that the court impose any portion of the six-month suspension.” On June 21, 2017, the court issued an order clarifying that the reference to further grievances in the May 12, 2017 order included grievances that may have been pending on the date of the order.

On July 24, 2017, the PCC filed a recommendation that the six-month suspension be imposed. The PCC stated that three grievances pending on May 12, 2017, had been docketed as complaints. Attorney Salomon filed a response to the PCC’s recommendation asking the court not to impose the suspension.

After reviewing the PCC’s recommendation and Attorney Salomon’s response, the court concludes that the stay of the suspension should be lifted and the six-month suspension imposed.

Accordingly, the court orders as follows:

- (1) Attorney Craig N. Salomon is suspended from the practice of law in New Hampshire for a period of six-months. This suspension shall become effective on October 30, 2017, unless a motion for reconsideration is filed.
- (2) In accordance with Rule 37(13), Attorney Salomon is ordered to notify all of his clients in pending matters, including litigated matters and administrative proceedings, of his suspension and consequent inability to act as an attorney after the effective date of the suspension, and shall advise the clients to seek new legal counsel.
- (3) Within 30 days after the effective date of the suspension, Attorney Salomon shall file with the court an affidavit showing that he has fully complied with the provisions of this order and with the requirements

of Rule 37(13). A copy of the affidavit shall be sent to the Attorney Discipline Office.

(4) Attorney Salomon may apply for reinstatement in accordance with Supreme Court Rule 37(14)(f).

Dalianis, C.J., and Hicks, Lynn, Bassett, and Hantz Marconi, JJ., concurred.

DATE: October 18, 2017

ATTEST:

  
**Eileen Fox, Clerk**

Distribution:  
Professional Conduct Committee, 13-011  
Russell F. Hilliard, Esquire  
Brooke Lovett Shilo, Esquire  
Elizabeth M. Murphy, Esquire  
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File

New Hampshire Supreme Court  
**Professional Conduct Committee**

*a committee of the attorney discipline system*

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Barbara J. Guay, Legal Assistant

Salomon, Craig N. advs. Attorney Discipline Office  
#13-011

**Recommendation of Imposition of Six-Month Suspension**

This matter is before the Professional Conduct Committee (“the Committee”) on a motion to impose a stayed six-month suspension filed by the Attorney Discipline Office (“the ADO”). Mr. Salomon objects.

The Committee recommends that this Court impose the previously stayed six-month suspension.

On June 21, 2016, the Committee heard argument on the appropriate sanction in this matter. The ADO requested a six-month suspension, which is what the hearing panel had imposed. Mr. Salomon requested a stayed suspension or a lesser sanction. After deliberation, the Committee imposed a six-month suspension.

Mr. Salomon appealed. After briefing, the Court issued an order, dated May 12, 2017, reversing the Committee’s decision and staying the six-month suspension. The Court noted Mr. Salomon’s disciplinary history but credited him for his cooperation in the process and deemed significant the fact that this matter did not arise out of Mr. Salomon’s representation of a client.

In its order, the Court stated that, “If the Attorney Discipline Office (ADO) or Screening Committee determines that any further grievances filed with the ADO against Attorney Salomon regarding past or future violations of the rules shall be docketed as complaints, the PCC shall notify the court, and may request that the court impose any portion of the six-month suspension. . . .” The ADO filed a motion to clarify this language. The Court stated, “The

reference to the docketing as complaints of ‘any further grievances filed with the ADO . . . regarding past or future violations’ includes grievances or docketed matters that may have been pending with the ADO on May 12, 2017.” The Committee understands the order to mean that (1) it must notify this Court of the existence of any further docketed complaints, if they were pending with the ADO on May 12, 2017; and (2) it may request the imposition of any part of the stayed suspension.

On June 26, 2017, the ADO filed a motion to impose the stayed suspension. The motion states that two docketed complaints, #14-037 and #14-039, are pending against Mr. Salomon, and were pending on May 12, 2017. The cases are scheduled for a hearing that is expected to occur in early December of 2017.

Docket #14-037 involves a second mortgage on property that Mr. Salomon obtained during his representation of a client. The notice of charges alleges that Mr. Salomon acted under a conflict of interest, in that he represented both the individual client and corporate clients with respect to the same mortgage; that he frivolously instituted an action for a foreclosure sale based on a demand for money that exceeded what he was owed; and that he made false statements to others.

In Docket #14-039, Mr. Salomon was found in contempt of a preliminary injunction in the United States District Court for the Southern District of Florida when he assisted a client in executing a warranty deed on property and disbursing proceeds from its sale in violation of the injunction. Mr. Salomon collected legal fees for his work in the matter. The ADO alleges that Mr. Salomon engaged in deceit with respect to his failure to disclose the existence of the injunction; that he failed to secure assent before disbursing the proceeds or retaining fees from them; and that he engaged in the unauthorized practice of law, in that Mr. Salomon is not licensed to practice in Florida. The motion also states that Mr. Salomon and his Florida client were deemed jointly and severally liable for damages totaling over \$400,000.00.

According to the ADO’s motion, in another docketed matter, #16-034, Mr. Salomon is alleged to have borrowed \$10,000.00 from a client and not repaid it. The matter was referred to Disciplinary Counsel on October 21, 2016.

Mr. Salomon filed an answer to the notice of charges in #14-037 & 039, and an objection to the motion to impose. He alleges that he has valid defenses to the allegations of misconduct, and he asks the Committee to exercise its discretion to recommend against the imposition of any portion of the stayed suspension at this time. Mr. Salomon argues that the conduct alleged in these complaints is old. He also argues that he may not be found to have violated

any rules of professional conduct, and should have the opportunity to seek vindication before any suspension is imposed.

The Court's order of May 12, 2017 is silent with respect to what significance, if any, attaches to the age of the conduct. The condition triggering potential imposition of the stayed sentence is that a docketed complaint was pending on May 12. Three such complaints were pending. All complaints alleged conduct that occurred in 2013-14, which is within the same time frame as the conduct involved in the above-captioned case. While Mr. Salomon may be vindicated, each matter has passed the standards of the Screening Committee. See Sup. Ct. R. 37(5)(b)(7) ("there is a reasonable likelihood that professional misconduct could be proven by clear and convincing evidence"). Two have resulted in a notice of charges, and one is under investigation. One matter derives from an order of contempt issued by a federal district court, the existence of which is undeniable. The Committee notes that the Florida court found Mr. Salomon in contempt, and that a state court contempt proceeding led to the misconduct finding and sanction in #13-011. The Committee also notes that Mr. Salomon faces a substantial monetary judgment in Florida, and that the most recent docketed complaint, #16-034, alleges that he has not repaid a significant loan from a client.

In sum, based on the order of May 12, 2017, the Committee had to notify this Court of any further docketed complaints against Mr. Salomon. There are three. The Court stated the Committee may recommend imposition of all or part of the six-month stayed suspension. The Committee had imposed a six-month suspension without any knowledge of the three docketed complaints. It now recommends that this Court impose the stayed six-month suspension.

July 24, 2017



David M. Rothstein  
Chair

Enclosures (a copy of the record)

cc: Elizabeth M. Murphy, Assistant Disciplinary Counsel  
Russell F. Hilliard, Esquire