

New Hampshire Supreme Court
Professional Conduct Committee

a committee of the attorney discipline system

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In the matter of Philip A. Parry, Esquire – LD-2017-0014

PUBLIC CENSURE AND ORDER ON COSTS

In accord with Supreme Court Rule 37(12), on December 27, 2017, the Supreme Court ruled that the above-captioned reciprocal discipline matter from the Commonwealth of Massachusetts Board of Bar Overseers (“BBO”) dated September 28, 2017 (the “Order”), regarding Philip A. Parry, warrants the issuance of a public censure. The Court remanded the matter to the Professional Conduct Committee (“the Committee”).

According to the Order and Order Summary (the “Summary”), Mr. Parry agreed to serve as the escrow agent in a real estate transaction, and, in such capacity, agreed to hold the real estate buyer’s deposit in the amount of \$16,450.00 in escrow. However, apparently through inadvertence, the deposit was not actually paid to Mr. Parry. Following the closing, Mr. Parry, believing that he had received the deposit, paid the real estate owner \$16,400.00,¹ “drawn on a real estate conveyancing account used by [Mr. Parry] for receipt and disbursement of closing proceeds in real estate transactions.” Because Mr. Parry had not actually received the deposit, however, “it was [paid from] other client or trust funds in the account.”

Between at least July 15, 2015 and April 2016, Mr. Parry did not reconcile his real estate conveyance account. “Shortly before April 13, 2016, [Mr. Parry] reconciled his real estate conveyancing account and discovered that he had no record of receiving and depositing the buyer’s deposit to that account.” Based on the foregoing, Mr. Parry deposited his own funds, in the amount of \$10,250.00 in April 2016, and \$6,150.00 in February 2017, into the

¹ The Summary explained that “[t]he difference between the \$16,450 deposit required by the P&S and the \$16,400 reflected in the HUD-1 was an error.”

account.

According to the Summary, Mr. Parry's conduct violated Massachusetts Rules of Professional Conduct 1.3 (Diligence), 1.15(b) (Safekeeping Property) and 1.15(f)(1)(E). On August 15, 2017, the BBO voted to accept a stipulation whereby the parties requested that matter be resolved by the imposition of a public reprimand. A public reprimand in Massachusetts is the equivalent of a public censure in New Hampshire.

Based on the record provided by the BBO, Mr. Parry's conduct implicates New Hampshire Rules of Professional Conduct ("Rule") 1.3 (Diligence), 1.15 (Safekeeping Property), and Supreme Court Rule 50 (Trust Accounts).

Mr. Parry shall be responsible for the expenses incurred by the Committee in the investigation and enforcement of this disciplinary matter. *See* Sup. Ct. R. 37(19)(b). Costs can include, but are not limited to, copying and costs associated with the publication of the censure. The assessment of costs shall become final unless Mr. Parry responds in writing, within thirty (30) days of receipt of the Committee's statement of expenses, listing each disputed expense and explaining the reasons for disagreement. Sup. Ct. R. 37(19)(b). The Committee may resolve the disagreement regarding costs, or enforce the assessment of costs by petition to the superior court in any county in the state. Sup. Ct. R. 37(19)(b).

The Committee may file a copy of the final assessment of costs with the superior court in any county in the state, where it shall be docketed as a final judgment and shall be subject to all legally-available post-judgment enforcement remedies and procedures. *See* Sup. Ct. R. 37(19)(c). Mr. Parry shall be responsible for any costs incurred as a result of the Attorney Discipline Office's collection efforts.

January 16, 2018



David M. Rothstein, Chair

Distribution:

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File