

**THE STATE OF NEW HAMPSHIRE**

**SUPREME COURT**

**ORDER**

**LD-2023-0005, In the Matter of Thomas T. Aquilla, Esquire**

On March 28, 2023, the Attorney Discipline Office (ADO) filed a certified copy of the January 27, 2023 decision of a hearing officer for the United States Patent and Trademark Office (USPTO), which suspended the respondent, Attorney Thomas T. Aquilla, from the practice of law before the USPTO for a period of two years, with reinstatement conditioned on restitution to the affected client in the amount of \$8,840.00 and with two years of probation upon reinstatement.

The USPTO found and ruled as follows. Attorney Aquilla represented a client that held three U.S. patents and one Canadian patent. Patent law requires the holder to pay periodic maintenance fees to the USPTO to keep the patents in effect. (Canadian law imposes a similar obligation.) In 2015, Attorney Aquilla sent invoices to the client for those maintenance fees. The client sent him the money, but he did not remit payment to the USPTO or to the Canadian patent office. Instead, Attorney Aquilla deposited the payments into his operating account. The patents therefore expired. When the client asked Attorney Aquilla for a status update in 2017, he did not inform the client that the patents had expired based on his non-payment of the maintenance fees; nor did he tell the client that he had deposited the payments in his operating account. Rather, he told the client that he would look into the matter, and then he ceased further communications with the client.

The USPTO determined that Attorney Aquilla had violated numerous rules of professional conduct, including those governing client communications (37 C.F.R. §11.104(a)), diligence (37 C.F.R. §11.103) and safekeeping of client property (37 C.F.R. §11.115(a), (c), (d)). The USPTO further concluded that Attorney Aquilla acted intentionally, caused actual harm to the client, acted with a dishonest and selfish motive by keeping the client's money, and was "indifferent" to making restitution because he failed to pay the client back.

Supreme Court Rule 37(12)(d) authorizes this court to impose final discipline identical or substantially similar to the discipline imposed by another jurisdiction unless the court finds, among other possible grounds, that the "misconduct established warrants substantially different discipline in this State." With its filing of the USPTO's decision, the ADO requested that this court impose the identical discipline in New Hampshire. On April 14, 2023, this court issued an order in accordance with Rule 37(12)(d) providing Attorney Aquilla an

opportunity to advise the court of his position as to whether the court should impose discipline identical or substantially similar to that imposed by the USPTO. Attorney Aquilla did not respond to that order.

Having reviewed the record of the USPTO discipline, including the aggravating and mitigating factors identified in that decision, this court concluded that Attorney Aquilla's misconduct warranted substantially more serious discipline in New Hampshire. Accordingly, on June 20, 2023, the court referred the matter to the Professional Conduct Committee (PCC) for its recommendation regarding the discipline to be imposed. See Rule 37(12)(e).

On November 21, 2023, the PCC filed an order recommending that Attorney Aquilla be disbarred. In its order, the PCC noted that the ADO had proposed disbarment as the sanction and that Attorney Aquilla had failed to address the issue of sanction. According to the PCC, Attorney Aquilla's "failure to address the disciplinary issue in New Hampshire is an additional violation of the Rules of Professional Conduct."

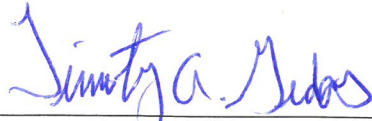
Upon receiving the PCC's recommendation, this court ordered Attorney Aquilla to identify any legal or factual issues relating to the PCC's recommendation that he wished the court to review. Attorney Aquilla did not respond.

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

THEREFORE, the court orders that Thomas T. Aquilla be disbarred from the practice of law in New Hampshire. He is hereby assessed all expenses incurred by the attorney discipline system in this matter.

DATE: March 6, 2024

ATTEST:

  
**Timothy A. Gudas, Clerk**

Distribution:  
Professional Conduct Committee  
Thomas T. Aquilla, Esq.  
Mark P. Cornell, Esq.  
File