

NEW HAMPSHIRE SUPREME COURT
PROFESSIONAL CONDUCT COMMITTEE

a committee of the attorney discipline system

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Forghany, Lamya A. advs. Attorney Discipline Office - #20-006

**PROTECTIVE ORDER
PUBLIC CENSURE WITH CONDITIONS AND ORDER ON COSTS**

On February 16, 2021, the Professional Conduct Committee (“the Committee”) deliberated the Stipulation as to Facts, Violations and Sanction (“the Stipulation”), a redacted copy of which is attached as **Exhibit A**. It also considered the Agreement to Pay Costs of Disciplinary Matter (attached as **Exhibit B**), and it granted the request for a protective order.

The Committee approved the facts as stipulated. It further found that Ms. Forghany’s conduct violated Rules of Professional Conduct 8.1(a) and 8.4(a), as stipulated.

The Committee also concluded that a Public Censure With Conditions is appropriate. Its sanction is in accord with the purposes of attorney discipline. *See, e.g., Conner’s Case* 158 N.H. 299, 303 (2009); *Richmond’s Case*, 152 N.H. 155, 159-60 (2005). The sanction is also in accord with the *ABA Standards for Imposing Lawyer Sanctions* (2005) (“Standards”).

Having approved the stipulated sanction, the Committee approved the agreement that Ms. Forghany shall reimburse the Committee for all costs of investigation and prosecution of this matter.

February 19, 2021

David M. Rothstein
David M. Rothstein
Chair

cc: Sara S. Greene, Disciplinary Counsel
Christopher D. Hawkins, Esquire
File

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NEW HAMPSHIRE SUPREME COURT

PROFESSIONAL CONDUCT COMMITTEE

Forghany, Lamya A.

advs.

Attorney Discipline Office

#20-006

**STIPULATION AS TO FACTS, VIOLATIONS, AND
SANCTION: PUBLIC CENSURE WITH CONDITIONS**

Respondent Lamya A. Forghany, Esq., and the Attorney Discipline Office (ADO) stipulate as follows:

I. Introduction

1. This matter involves Ms. Forghany's representations and omissions in her Petition and Questionnaire for Admission to the New Hampshire Bar ("the N.H. Petition"), received by the Office of Bar Admissions ("OBA") on January 22, 2019, and an omission in her Petition for Admission to Practice submitted on May 28, 2019 to the U.S. District Court for the District of New Hampshire ("Federal Petition").
2. In 2015, Attorney Forghany was subject to disciplinary proceedings in Connecticut and Massachusetts. Attorney Forghany disclosed the existence of those proceedings in the N.H. Petition. The OBA

subsequently requested information regarding the outcome of those proceedings. Although neither the Connecticut State Grievance Board nor the Massachusetts Board of Bar Overseers pursued disciplinary action against Ms. Forghany, she failed to provide information specifically responsive to the OBA's request. Ms. Forghany instead mistakenly provided a "letter of good standing with disciplinary history" from the Connecticut State Grievance Board. Ms. Forghany also failed to disclose on the N.H. Petition that she had previously asserted a medical condition in mitigation in a disciplinary matter.

3. The Federal Petition seeks broader categories of information than the N.H. Petition. In her Federal Petition, Ms. Forghany disclosed the most significant finding but omitted less significant findings that formed the basis of the Connecticut and Massachusetts disciplinary proceedings. In addition, she failed to disclose she had been a plaintiff in three small claims lawsuits, each of which was resolved in her favor, although she had disclosed these lawsuits in the N.H. Petition.
4. The Federal Petition was reviewed by the Honorable Landya McCafferty. Judge McCafferty requested additional information regarding the Connecticut and Massachusetts disciplinary proceedings, which Ms. Forghany immediately provided. Judge McCafferty met with Ms. Forghany on July 23, 2019 to discuss the Federal Petition, by which time, Ms. Forghany had already been admitted to the New Hampshire Bar. During that meeting, Ms. Forghany first realized that her response

to the OBA's question regarding the Connecticut and Massachusetts disciplinary proceedings had been incomplete. Further correspondence between Ms. Forghany and Judge McCafferty ensued.

5. On August 26, 2019, Ms. Forghany informed the OBA that she intended to supplement her N.H. Petition, but was told that her application was closed given her admission to N.H.
6. Shortly afterwards, Ms. Forghany retained counsel and, upon legal advice, elected not to supplement the N.H. Petition until after a formal hearing before Judge McCafferty in which she would attempt to fully address the Court's concerns. That hearing occurred on November 22, 2019.
7. On December 23, 2019, Ms. Forghany wrote a letter to the OBA supplementing the N.H. Petition. The OBA, in turn, referred the matter to the ADO for further investigation under N.H. R. Prof. Con. 8.1.
8. A detailed chronology will provide context for the current issues.

II. Facts

9. Ms. Forghany was admitted to the Connecticut Bar in May 2008, the Massachusetts Bar in June 2009, and the New Hampshire Bar in 2019.
10. In 2012, Ms. Forghany founded Forghany Law, PC, which focuses on consumer bankruptcy and foreclosure relief, with some limited civil litigation.
11. Forghany Law is a high-volume practice representing individuals under significant financial duress.

12. Ms. Forghany's office has handled between 2,000 and 3,000 cases in Connecticut and Massachusetts since 2012.
13. Forghany Law's office is located in Haverhill, Massachusetts.
14. Ms. Forghany has never been subject to professional discipline.

A. Connecticut and Massachusetts Disciplinary Proceedings

15. In 2015, the Connecticut Grievance Panel and Massachusetts Board of Bar Overseers investigated allegations against Attorney Forghany.
16. On December 15, 2015, the Connecticut Grievance Panel elected to take no action against Ms. Forghany.
- ~~17.~~ On June 14, 2016, the Massachusetts Board of Bar Overseers ("BBO") similarly elected to close its file with no action against Ms. Forghany.

B. New Hampshire Petition for Admission

18. On January 22, 2019, Ms. Forghany applied for admission to the New Hampshire Bar. The questions she answered that gave rise to the OBA's referral are addressed separately below.

1. Questions on N.H. Petition

19. Question 16(c) states as follows:

Have there ever been any letters of complaint, grievances or charges (formal or informal) submitted to any disciplinary authority concerning your conduct or have there ever been, or are there now, any charges, complaints or grievances (formal or informal) pending against you?

20. Ms. Forghany accurately answered “Yes” to this question. Question 16(d) states, “if you answer yes to either (b) or (c) above, provide the following information...”
21. Ms. Forghany responded as follows:

There was an incident that occurred. Because of that incident the bar of MA and CT were notified. Both Bars cleared me of any responsibility. Should the Committee require more information about the matter I can furnish it.
22. Ms. Forghany’s response to question 16(d) reflects that she was confused by the interplay between different questions in the N.H. Petition.
23. Ms. Forghany’s response to Question 16(d) therefore explicitly referenced another question in the Petition and volunteered information regarding the underlying conduct.
24. Ms. Forghany’s response to Question 16(d) was a good faith effort to accurately answer conflicting questions in the N.H. Petition: her response clearly states that there were disciplinary proceedings initiated in two jurisdictions.
25. In this regard, Ms. Forghany’s response is inconsistent with any intent to conceal.
26. Viewed in full, her response accurately reveals there were disciplinary proceedings.
27. Ms. Forghany went on to state in her response to Question 16 that the Bars of Connecticut and Massachusetts “cleared” her of responsibility.

28. She acknowledges that this choice of words was perhaps imprecise because she accepted full responsibility for her conduct.
29. In using this language, she meant to convey that the discipline matters essentially “went nowhere” because each discipline authority closed its file after review and elected to take no action against her.

2. Ms. Forghany’s Response to OBA’s March 2019 Request for Additional Information Regarding Questions 8 and 16

30. The OBA was not misled by Ms. Forghany’s responses to the Questions. This is evidenced by OBA’s request for further information.
31. On March 15, 2019, the OBA requested additional information “*with regard to the matter ... reported to the bars of Massachusetts and Connecticut...*” (emphasis added).
32. The OBA specifically requested “documentation from those disciplinary authorities which evidence[d] the outcome” of the proceedings.
33. The OBA requested records reflecting the disposition of any investigation opened by the Connecticut and Massachusetts disciplinary authorities.
34. Ms. Forghany did not immediately respond, and OBA followed up by email requesting this information on April 25, 2019.
35. That email asked Ms. Forghany to provide the information by April 30, 2019, in time for the next meeting of the Committee on Character and Fitness (“C&F”).

36. Ms. Forghany was very busy with her practice and moving office locations in Massachusetts, but endeavored to answer the questions posed in time for the next C&F meeting as requested by OBA.
37. On April 28, 2019, Ms. Forghany responded to the OBA's request by providing (among other things) a letter from the Connecticut Statewide Grievance Panel.
38. The January 2019 Connecticut Letter submitted by Ms. Forghany in April 2019 does not refer to the grievance arising from the underlying matter; rather, it is a "letter of good standing with disciplinary history" that is provided upon request when a Connecticut attorney¹ seeks admission in another jurisdiction.
39. At the time she submitted this letter, however, Ms. Forghany did not appreciate this detail. She knew that the January 2019 Connecticut letter was different from, and more specific than, the certificate from the Connecticut Supreme Court that Ms. Forghany had submitted with her initial N.H. Petition in response to Question 17(b), which requests "an original of a certificate from the Clerk of Court having jurisdiction over such admission that you are a member in good standing."²

¹ Connecticut does not have a mandatory bar.

² Connecticut provides three types of certificates of good standing: (a) from the Hartford Superior Court; (b) a certificate of good standing with disciplinary history from the Statewide Grievance Board; and (c) from the Connecticut Supreme Court. https://www.jud.ct.gov/sgc/faq_certgoodstand.htm.

40. She thus believed she was providing to OBA a more detailed document than that which had accompanied her original Petition. For example, the January 2019 Connecticut letter references a “complaint” filed against her that was dismissed in 2012.
41. The underlying conduct, however, occurred not in 2012, but in 2015.³
42. In her urge to respond on time, she failed to appreciate this detail and deeply regrets this oversight. She recognizes that she should have more carefully reviewed the January 2019 Connecticut Letter at the time of her April response to OBA. That kind of review would have alerted her to fact this letter was *not* in fact fully responsive to OBA’s request, which sought documentation as to how Connecticut had disposed of the disciplinary matter specifically arising from her conduct in the underlying matter.
43. Relevant to her state of mind at the time, however, Ms. Forghany had no incentive to withhold the Responsive Letters from the OBA, as they briefly describe the disciplinary agencies’ decisions not to pursue any disciplinary charge. Put differently, she believed these letters could only have helped her.
44. Nevertheless, Ms. Forghany acknowledges that it should have “registered” with her that the January 25, 2019 Connecticut Letter did not fully answer the OBA’s question because the reference to a “2012” complaint could have caused the OBA to infer, based on the specific

³ It is not clear why the January 2019 Connecticut Letter does not refer to the 2015 matter.

question posed in the OBA's March 15, 2019 letter, that the 2012 complaint referenced in the January 2019 Connecticut letter arose from the underlying conduct.

45. In any event, the OBA did not thereafter ask Ms. Forghany for further information about grievances arising from the underlying conduct.
46. Ms. Forghany assumed the January 2019 Connecticut letter satisfied the OBA's requests for information.
47. When she was admitted to the New Hampshire Bar on June 5, 2019, the OBA's request for information did not persist in her mind as an open question.⁴

3. Question 13: Conditions Asserted in Mitigation

48. Question 13 states as follows:

Within the past five years, have you asserted any condition or impairment as a defense, in mitigation, or as an explanation for your conduct in the course of any inquiry, any investigation, or any administrative or judicial proceeding by a[] ... licensing authority, on in connection with a[] disciplinary procedure?

49. Ms. Forghany answered "no". This response was inaccurate, and Ms. Forghany corrected it on December 23, 2019.

⁴ Ms. Forghany did not provide any documents evidencing the Massachusetts BBO outcome with respect to the underlying matter. Given that the underlying matter occurred in Connecticut, not Massachusetts, she believed the January 2019 Connecticut letter was sufficiently responsive to the OBA's March 2019 follow up question.

50. Ms. Forghany asserted a medical condition as a defense in the Connecticut grievance proceedings.
51. At the time Ms. Forghany completed her New Hampshire Bar application, she did not consult records of the underlying matter and relied upon her memory.
52. Ms. Forghany testified before Judge McCafferty regarding her mental health status with respect to the underlying conduct and her efforts to manage her personal stress levels.
53. In sum, she actively manages her stress levels and instituted management practices to ensure she serves her clients effectively. She altered her firm's procedures to ensure no repetition of the circumstances that led to the underlying matter. Finally, Ms. Forghany has never been sued for malpractice and has had no such claims filed against her.

C. The Federal Petition

1. Federal Application Proceedings

54. On May 28, 2019, Ms. Forghany applied to the Bar of the United States District Court for the District of New Hampshire.
55. Importantly, the Federal Petition seeks broader information than the N.H. Petition.
56. Ms. Forghany disclosed on her application the most significant part of the underlying conduct, and that the matter was resolved. She believed

her disclosure was sufficient to put the Court on notice of the underlying conduct.

57. On June 5, 2019, Ms. Forghany was admitted to practice in New Hampshire.
58. On June 5, 2019, the Federal court requested additional information regarding the underlying conduct, which Ms. Forghany provided later the same day.
59. Ms. Forghany did not, at that time, connect the responsive documents to the OBA's March 15, 2019 request for information.
60. Ms. Forghany met with the court on July 23, 2019 to answer questions regarding her application. Ms. Forghany understood the meeting was intended to be an informal discussion.
61. Judge McCafferty questioned Ms. Forghany regarding the responsive documents and her N.H. Petition.
62. Over the next few weeks, Judge McCafferty and Ms. Forghany exchanged correspondence regarding the Federal Petition and the N.H. Petition.
63. On August 26, 2019, Ms. Forghany informed the OBA she intended to supplement her N.H. Petition. OBA responded by informing Ms. Forghany that she was already admitted and that her application was closed. Ms. Forghany appreciated the fact that she somehow needed to supplement her N.H. Petition and withdraw her federal application.
64. Ms. Forghany and Judge McCafferty exchanged correspondence regarding Ms. Forghany withdrawing her application.

65. Shortly afterwards, Mr. Forghany retained counsel and requested a formal hearing on the Federal Petition.
66. On advice of counsel, Ms. Forghany did not supplement her N.H. Petition pending completion of the formal hearing before Judge McCafferty. Briefly, counsel advised Ms. Forghany to prioritize responding to Judge McCafferty's concerns, and to present the OBA with a single complete record of the Federal proceedings.
67. A formal evidentiary hearing was held before Judge McCafferty on November 22, 2019.
68. On November 26, 2019, Judge McCafferty entered an order deferring action on Ms. Forghany's application.
69. On December 23, 2019, Ms. Forghany through counsel supplemented her application to the New Hampshire Bar. A copy of those materials was provided to Judge McCafferty.
70. On February 13, 2020, the OBA referred the matter to the ADO for further investigation.
71. To date, Judge McCafferty has taken no further action with respect to Ms. Forghany's application.

2. Civil Lawsuits

72. Ms. Forghany's application to the Federal court includes the following question:

All occasions, if any, on which I have been charged with or convicted of a crime (except minor traffic violations), censured, suspended, disciplined or disbarred by any court, or been a party to a civil lawsuit as a plaintiff or defendant,

are set forth below. (Briefly state the facts and circumstances).

73. Ms. Forghany failed to disclose three civil cases in which she had been a plaintiff, although she disclosed those cases on the N.H. Petition.
74. Ms. Forghany admits she should have disclosed the civil proceedings.
75. The three civil matters took place in 2003, 2005, and 2013. [REDACTED]
[REDACTED]
[REDACTED]
76. The 2005 and 2013 matters were small claims cases to recover small personal loans.
77. Ms. Forghany has never been a defendant in a civil lawsuit.
78. Ms. Forghany did not omit the civil matters with the intention to conceal them, and she he disclosed the civil matters on her New Hampshire Bar application.
79. Ms. Forghany concedes she should have reviewed her New Hampshire Petition at the time she completed her Federal Petition, and taken more care to ensure her application was complete.

III. Rule Violated

80. The parties agree the New Hampshire Rule of Professional Conduct most applicable to this case is Rule 8.1(a) and (b).
81. Rule 8.1 states in relevant part as follows:

An applicant for admission to the bar, or a lawyer in connection with a bar admission application or in connection with a disciplinary matter, shall not:

- (a) knowingly make a false statement of material fact; or
- (b) fail to disclose a fact necessary to correct a misapprehension known by the person to have arisen in the matter, or knowingly fail to respond to a lawful demand for information from an admissions or disciplinary authority, except that this Rule does not require disclosure of information otherwise protected by Rule 1.6....

82. A Rule 8.1(a) violation involves a knowing state of mind as an essential element.

83. Rule 1.0(f) defines “knowing” as actual knowledge of the fact in question.

A person’s knowledge may be inferred from circumstances. The *ABA Standards* define knowing as a conscious awareness of attendant circumstances. *Standards*, Sec. III (definitions). For purposes of whether a Respondent’s conduct is knowing, “[w]hat is relevant is the volitional nature of the respondent’s acts, and not the external pressures that could potentially have hindered his judgment.” *Grew’s Case*, 156 N.H. 361, 366, 934 A.2d 537 (2007). A knowing state of mind is less culpable than an intentional state of mind, which is a “conscious objective or purpose to accomplish a particular result.” *Standards*, Sec. III (definitions).

84. The ADO’s burden in this case would be to prove by clear and convincing evidence that (a) Ms. Forghany knowingly withheld information requested the OBA; and/or (b) failed to correct a misapprehension by the OBA regarding the resolution of the disciplinary matters arising from the underlying matter.

85. As set forth further below, there is no clear and convincing evidence that Ms. Forghany violated Rule 8.1(b), because Ms. Forghany began the process of correcting and supplementing her N.H. Petition in a reasonably timely way following the airing of issues with Judge McCafferty on July 23, 2019.

86. Mr. Forghany admits that she violated Rule 8.1(a), and that her state of mind was both negligent and knowing. Additional details regarding her state of mind are set forth further herein.

A. Rule 8.1(a): Knowingly Making a False Statement to the OBA

87. Ms. Forghany admits that she violated Rule 8.1(a) because she had an awareness of attendant circumstances regarding the three civil lawsuits that she failed to disclose on the Federal Petition (but that she included on her N.H. Petition). Likewise, she had awareness of attendant circumstances about the fact that she had asserted ADHD in mitigation in the Connecticut disciplinary proceedings that arose from the underlying conduct, but she failed to disclose this on her N.H. Petition.

88. As to Mr. Forghany's failure to be fully responsive regarding the OBA's follow up question of March 15, 2019 requesting documentation from the discipline authorities evidencing the outcome of discipline proceedings arising from the underlying conduct, the parties agree Ms. Forghany's state of mind was negligent. The details regarding the timing of her response, and her thinking at the time of such response, is set forth *supra*, ¶¶ 30-47. This negligent conduct notwithstanding, Mr. Forghany

agrees that there is clear and convincing evidence of a Rule 8.1(a) violation.

B. Rule 8.1(b): Falling to Correct a Misapprehension by the OBA

89. Ms. Forghany only came to appreciate that she should have provided the Responsive Letters rather than the January 2019 Connecticut Letter during her July 23, 2019 meeting with Judge McCafferty.
90. She emailed OBA on August 26, 2019, but was told her application was “closed.” She followed up by phone with OBA in early September at around the same time she hired counsel to assist her.
91. Ms. Forghany’s counsel thereafter advised that she no longer submit information to OBA in piecemeal fashion, but rather first fully address any concerns of the Federal Court at the hearing. This chronology does not present clear and convincing evidence of an applicant that was aware of a misapprehension and failed to take steps to correct it.

C. Rule 8.4(a): General Rule

92. Having found the foregoing violation, there is sufficient evidence to support a finding that Ms. Forghany’s conduct, as described herein, violated N.H. R. Prof. Conduct 8.4(a).

IV. Recommended Sanction

93. The Attorney Discipline Office and Ms. Forghany jointly agree that a public censure with conditions is the appropriate sanction in this matter. This sanction would serve the purposes of attorney discipline.

94. Both case law and the American Bar Association's *Standards for Imposing Lawyer Sanctions* (2d ed. 2019) ("*Standards*") support this sanction.
95. The purpose of the Court's disciplinary power is "protecting the public, maintaining public confidence in the bar, preserving the integrity of the legal profession, and preventing similar conduct in the future." *Conner's Case*, 158 N.H. 299, 303 (2009). "The sanction...must take into account the severity of the misconduct." *Coffey's Case*, 152 N.H. 503, 513 (2005).
96. Although the Court has not adopted the *Standards*, it looks to them for guidance. *Conner's Case*, 158 N.H. at 303. The *Standards* set forth a four part analysis for courts to consider in imposing sanctions: "(a) the duty violated; (b) the lawyer's mental state; (c) the potential or actual injury caused by the lawyer's misconduct; and (d) the existence of aggravating or mitigating factors." *Id.* (quoting *Douglas' Case*, 156 N.H. 613, 621 (2007)); *Standards* § 3.0.
97. The first three parts of the analysis create the framework for characterizing the misconduct and determining a baseline sanction. See *Conner's Case*, 158 N.H. at 303 (stating that "[i]n applying these factors, the first step is to categorize the respondent's misconduct and identify the appropriate sanction"). Once the baseline sanction is determined, the Court then looks to the fourth and final part of the analysis: the existence of any aggravating or mitigating factors, and whether they

affect the baseline sanction. *See id.* (stating that “[a]fter determining the sanction, [the Court] consider[s] the effect of any aggravating or mitigating factors on the ultimate sanction”).

98. Under the first prong of the analysis, Ms. Forghany violated a duty owed to the legal profession. *See Standards* Sec. II (theoretical framework, noting Rule 8.1 as among those duties owed to the profession).
99. With respect to Ms. Forghany’s mental state under the second prong of the sanction analysis, the parties agree that Ms. Forghany’s mental state was both knowing and negligent, as set forth herein.
100. The third prong of the sanction analysis requires an assessment of the actual or potential injury caused by Ms. Forghany’s misconduct.
101. Ms. Forghany’s conduct caused potential injury in that her N.H. Petition lacked full and complete information, and thus an admission decision was made in the absence of all relevant information. That notwithstanding, and as noted herein, the Responsive Letters, had Ms. Forghany provided them, would likely have assisted her admission, as they confirmed that both state discipline agencies declined to pursue charges based on the underlying conduct. Ms. Forghany’s omission in her Federal Petition caused actual injury in that it required the time and resources of the Federal Court.
102. The parties agree that the baseline sanction in this matter is a suspension. *See Standards* § 7.2.

103. Ms. Forghany's 8.1 rule violation implicates Section 7.0 of the *Standards*.

That Section provides:

Absent aggravating or mitigating circumstances, upon application of the factors set out in Standard 3.0, the following sanctions are generally appropriate in cases involving false or misleading communication about the lawyer or the lawyer's services, improper communication of fields of practice, improper solicitation of professional employment from a prospective client, unreasonable or improper fees, unauthorized practice of law, improper withdrawal from representation, or failure to report professional misconduct.

- 7.1 Disbarment is generally appropriate when a lawyer knowingly engages in conduct that is a violation of a duty owed as a professional with the intent to obtain a benefit for the lawyer or another, and causes serious or potentially serious injury to a client, the public, or the legal system.
- 7.2 Suspension is generally appropriate when a lawyer knowingly engages in conduct that is a violation of a duty as a professional and causes injury or potential injury to a client, the public, or the legal system.**
- 7.3 Reprimand is generally appropriate when a lawyer negligently engages in conduct that is a violation of a duty owed as a professional and causes injury or potential injury to a client, the public, or the legal system.
- 7.4 Admonition is generally appropriate when a lawyer engages in an isolated instance of negligence in determining whether the lawyer's conduct violates a duty owed as a professional, and causes little or no actual or potential injury to a client, the public, or the legal system.

(emphasis added).

104. Ms. Forghany's conduct in this matter, when considered under *Standard* 7.2, would call for a baseline sanction of a suspension.

105. The baseline sanction must be considered in light of any aggravating and mitigating factors. *E.g., Conner's Case*, 158 N.H. at 303.

106. In this case there is one aggravating factor present: Ms. Forghany's substantial experience in the practice of law. *See Standards* § 9.22.
107. Mitigating factors include the absence of a disciplinary record, lack of dishonest or selfish motive, good faith effort to rectify the consequences of her misconduct, full and free disclosure to and cooperative attitude with the ADO, and remorse. *See Standards* § 9.32.
108. The parties agree that given the baseline sanction, and because mitigating factors outweigh the single aggravating factor, a downward departure to a public censure with conditions serves the purposes of discipline and is an appropriate sanction in this case. *See, e.g., In re Lucas*, 672 N.E.2d 934, 936 (Ind. 1996) (public reprimand where no intent by lawyer to deceive admission authorities, but lawyer omitted three civil lawsuits in which he was a defendant, a speeding ticket, and an arrest for public intoxication; lawyer's nondisclosure "was the product of something less than a conscious, premeditated plan to keep certain information from the admissions authorities").

**V. Conditions of Imposed Discipline and Procedures
For Alleged Violation of Conditions**

109. Ms. Forghany agrees to comply with the following conditions, which shall begin on the date the Professional Conduct Committee accepts this Stipulation:

- a. For a period of two years, Ms. Forghany will engage in no professional misconduct.
- b. For a period of one year, Ms. Forghany shall meet⁵ monthly with a law practice mentor acceptable to the ADO, at her own expense. The mentor shall be experienced in practicing bankruptcy law in New Hampshire, as bankruptcy is Ms. Forghany's primary area of practice. The practice mentor shall submit quarterly reports to the ADO for one year, with the first report to be provided to Disciplinary Counsel within 60 days of the date that the Professional Conduct Committee accepts the Stipulation, and subsequent reports thereafter at quarterly intervals/deadlines as set forth by the ADO. The reports shall set forth in detail the matters discussed during the monthly meetings, as well as details of Ms. Forghany's caseload or the existence of any client or court complaints or concerns. The quarterly reports shall be submitted directly to Disciplinary Counsel by the practice mentor.
- c. Respondent shall pay the expenses incurred by the Professional Conduct Committee in connection with this investigation and prosecution, and if unable to pay in lump sum, shall agree to some form of payment plan with the PCC within 60 days of receiving an invoice from the PCC.

⁵ Given the covid pandemic, a virtual meeting shall suffice for purposes of this condition.

110. If it is alleged that Ms. Forghany violated any of the conditions enumerated at Paragraphs 127(b) above, the following shall apply:
- i. Upon motion by Disciplinary Counsel, the Professional Conduct Committee may determine whether any of the conditions enumerated at Paragraph 127(b) have been violated. If it determines that a condition has been violated, the Committee shall impose a one year suspension. If the Committee determines that no condition of this Stipulation has been violated, the Stipulation shall continue in force and effect pursuant to its terms.
 - ii. Respondent may request that the Professional Conduct Committee remand the matter to the Hearings Committee so that a Hearing Panel may be appointed to decide the sole issue of whether a condition under Paragraph 127(b) of this Stipulation has been violated. During such hearing, it shall be the burden of Disciplinary Counsel to demonstrate by a preponderance of evidence that a condition listed in Paragraph 127(b) has been violated.
 - iii. If a Hearing Panel determines that a condition has been violated, the Panel shall impose a one-year suspension. If the Hearing Panel determines that no condition of the Stipulation has been violated, the Stipulation shall continue in force and effect pursuant to its terms. The PCC shall review the decision of the Hearing Panel.

111. If a new grievance or referral is filed against Ms. Forghany during the two-year period of the stay, thus implicating the condition at Paragraph 127(a), the following procedure shall apply:
- a. So long as a grievance or referral is filed within the two-year period set forth herein (“the subsequent proceeding”), and the alleged misconduct occurred, at least in part, during the two-year period, the one year suspension shall be imposed at such time as there is a finding of misconduct in the subsequent proceeding, even if such finding occurs beyond the two-year period.
 - b. Pending the final resolution of the subsequent proceeding, the matter underlying this Stipulation shall not be closed.
 - c. If the conditions of Paragraph 127(b) have been met, Ms. Forghany will not have to continue to comply with those provisions while the subsequent proceeding is pending.
 - d. The Respondent shall bear all costs associated with compliance and enforcement of the terms and conditions of this Stipulation.
 - e. Nothing herein shall be construed to limit prosecution of any new grievance or referral involving conduct of Respondent occurring during the two year period.
 - f. If a grievance or referral is filed within the two-year period of the stay, Ms. Forghany shall provide written notice to Disciplinary Counsel within thirty (30) days of receipt of notice of the grievance or referral,

time being of the essence, along with supporting information or documentation.

VI. Costs

112. Subject to the PCC's approval of Ms. Forghany's Stipulation, Ms. Forghany agrees to pay the costs incurred by the ADO in the investigation and enforcement of this disciplinary matter. See Supreme Court Rule 37(19). Her agreement to pay the costs incurred by the ADO is the subject of a separate agreement signed by Ms. Forghany.

VII. Effect of Stipulation

113. Ms. Forghany understands that this Stipulation represents a recommended disposition, and that the PCC may accept, reject, or conditionally accept the Stipulation pursuant to Rule 37A(III)(aa)(1).
114. Ms. Forghany acknowledges that the admissions of misconduct and the proposed disposition contained in this Stipulation are freely, knowingly, and voluntarily submitted; that she is not entering this Stipulation as a result of any threats, coercion, or duress, or of any promises or inducements not set forth in the Stipulation
115. Ms. Forghany has been represented by counsel in reaching this Stipulation and she is fully aware of the consequences of the Stipulation.
116. Ms. Forghany knowingly and intelligently waives her right to a hearing.

Respectfully submitted,

Dated: _____, 2021

Lamya A. Forghany, Esquire
Respondent

Dated: _____, 2021

Christopher D. Hawkins, Esquire
Respondent's Counsel

Dated: _____, 2021

Sara S. Greene, Esquire
Disciplinary Counsel

**NEW HAMPSHIRE SUPREME COURT
PROFESSIONAL CONDUCT COMMITTEE**

Forghany, Lamyia A.

advs.

Attorney Discipline Office

#20-006

**AGREEMENT TO PAY COSTS
OF DISCIPLINARY MATTER**

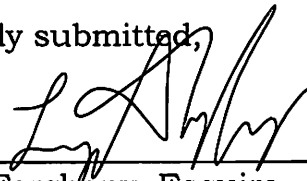
1. Subject to the Professional Conduct Committee's approval of the Stipulation of Facts, Rule Violations, and Sanction in the above matter, I agree to pay the expenses incurred by the Committee in the investigation and enforcement of this disciplinary matter. See Sup. Ct. R. 37(19)(b). Costs can include, but are not limited to: mileage, stenographers, transcripts, copying, inventory, audit expenses and publication.
2. As of January 25, 2021, I have been informed that the costs are approximately \$11.95. I understand that if the matter results in a sanction, there could be publication costs added to the above amount.
3. I am aware that the Professional Conduct Committee will not issue an invoice until the final disposition in this matter.
4. Should further costs accrue in this disposition of this matter, I understand that the Committee will bill me for these costs. If I dispute the bill, I will notify the Committee of the specific nature of the dispute in

writing within thirty days of my receipt of the bill. I understand that the Committee will consider the disputed item and issue a written decision. If I do not notify the Committee that I dispute the bill, payment will be due upon its receipt.

5. I waive the provisions of Supreme Court Rule 37(19)(b) regarding any further detail of the nature and amount of each expense, and I also waive formal demand for payment.
6. I understand and agree that the assessment of costs is deemed final and shall have the full force and effect of a civil judgment. As a result, it may be enforced in any Superior Court in New Hampshire.
7. The Committee may file a copy of the final assessment 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).
8. I also agree to be responsible for all costs incurred as a result of the Attorney Discipline Office's collection efforts.

Dated: Feb 8, 2021

Respectfully submitted,



Lamy A. Forghany, Esquire
Respondent

New Hampshire Supreme Court
Professional Conduct Committee

a committee of the attorney discipline system

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Concord, New Hampshire 03301
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Stephanie C. Hausman, Esq., Chair
Caroline K. Leonard, Esq., Vice Chair
Katheen M. Ames, Vice Chair
Barbara J. Guay, Administrative Assistant

Forghany, Lamya advs. ADO - #20-006

ORDER

On February 19, 2021, the Committee issued a Public Censure With Conditions in the above-captioned matter. On February 21, 2023, Disciplinary Counsel confirmed that Attorney Forghany has satisfied the terms and conditions set forth in the Public Censure.

Based on the above, this matter is now closed.

March 8, 2023

/s/ Stephanie C. Hausman
Stephanie C. Hausman
Chair

cc: Sara S. Greene, Disciplinary Counsel
Christopher D. Hawkins, Esquire