

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

ORDER

LD-2023-0001, In the Matter of Danilo J. Gomez, Esquire

On January 12, 2023, the Attorney Discipline Office (ADO) filed a certified copy of the September 1, 2022 order of the Commonwealth of Massachusetts Supreme Judicial Court for Suffolk County (Supreme Judicial Court), which suspended the respondent, Attorney Danilo J. Gomez, from the practice of law in Massachusetts for a period of 30 days. The Supreme Judicial Court upheld findings that Attorney Gomez had offered an unlawful inducement to a witness in a Massachusetts criminal proceeding and had thereby exposed his client to adverse cross-examination and additional criminal liability. The Supreme Judicial Court ruled that Attorney Gomez had violated the following Massachusetts Rules of Professional Conduct, among others: Rule 1.1 (requiring lawyer to provide competent representation); Rule 1.2(a) (requiring lawyer to seek the lawful objectives of the client through reasonably available means permitted by law); Rule 1.7(a)(2) (prohibiting lawyer from representing a client if the representation involves a concurrent conflict of interest); and Rule 3.4(b) (prohibiting lawyer from, among other things, offering an inducement to a witness that is prohibited by law).

As to the appropriate sanction, the Supreme Judicial Court disagreed with the recommendation by the Massachusetts Board of Bar Overseers (BBO) that Attorney Gomez should be suspended for six months and one day. The BBO's recommendation followed a hearing committee's recommendation that Attorney Gomez should be suspended for a period of four to six months.

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." On January 24, 2023, this court issued an order in accordance with Rule 37(12)(d) providing Attorney Gomez and the ADO an opportunity to advise the court if they believed that the imposition of identical or substantially similar discipline would be unwarranted. In response, they each took the position that a 30-day suspension, retroactive to the period of Attorney Gomez's suspension in Massachusetts and his reciprocal "self-suspension" in New Hampshire from October 1, 2022, to October 30, 2022, was warranted.

On March 21, 2023, having reviewed the record of the Supreme Judicial Court, this court concluded that Attorney Gomez's misconduct would warrant

substantially more serious discipline in New Hampshire. Accordingly, the matter was referred to the Professional Conduct Committee (PCC) for its recommendation regarding the discipline to be imposed. See Rule 37(12)(e).

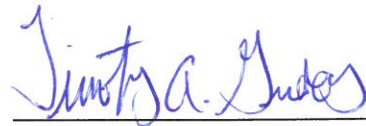
On May 18, 2023, the PCC filed its recommendation that this court impose a 90-day suspension from the practice of law in New Hampshire, with Attorney Gomez receiving credit for 30 of the 90 days based upon his reciprocal self-suspension in New Hampshire.

After reviewing the PCC's recommendation and record, the court accepts the PCC's recommendation and orders that Attorney Danilo J. Gomez is suspended from the practice of law in New Hampshire for a period of 90 days, with Attorney Gomez receiving credit for 30 of the 90 days based upon his reciprocal self-suspension in New Hampshire from October 1, 2022, to October 30, 2022.

MacDonald, C.J., and Hicks, Bassett, Hantz Marconi, and Donovan, J.J., concurred.

DATE: June 21, 2023

ATTEST:



Timothy A. Gudas, Clerk

Distribution:
Professional Conduct Committee
Mark P. Cornell, Esq.
Danilo J. Gomez, Esq.
File