

New Hampshire Supreme Court  
**Professional Conduct Committee**

*a committee of the attorney discipline system*

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**Cournoyer, Kristina A.**

**Adv.**

**Attorney Discipline Office**

**#24-007**

**ORDER**

On August 20, 2024, the Professional Conduct Committee deliberated the stipulation as to facts, rule violations, and sanction of a 2-year suspension. Following review of the stipulation, the Committee voted to accept it and hereby recommends to the Supreme Court that the Respondent be suspended for two years, retroactive to July 23, 2024. The Committee also approved the agreement to pay costs.

DATED: September 9, 2024

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

cc: Sara S. Greene, Disciplinary Counsel  
Kristina A. Cournoyer (via email)

**NEW HAMPSHIRE SUPREME COURT  
PROFESSIONAL CONDUCT COMMITTEE**

Cournoyer, Kristina A.

advs.

Attorney Discipline Office

#24-007

**STIPULATION AS TO FACTS, VIOLATIONS,  
AND SANCTION: TWO YEAR SUSPENSION**

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

**A. Background Facts**

1. Ms. Cournoyer is an attorney licensed to practice law in New Hampshire. Ms. Cournoyer was admitted to practice on May 24, 2016.
2. Ms. Cournoyer was also admitted to practice law in Massachusetts on June 16, 2016. She is currently on inactive status for the Massachusetts Bar.
3. As of July 2024, Respondent is also on inactive status in New Hampshire. She initiated the process of going on inactive status in July of 2023, but due to administrative errors at the N.H. Bar Association, this status was delayed until July 2024 (as confirmed by undersigned counsel via communications with staff at the Bar Association).
4. At all times material to this proceeding, Ms. Cournoyer operated her law office as the Law Office of Kristina A. Cournoyer, 546 State Route 111, Suite 5, Hampstead, NH 03841.
5. Ms. Cournoyer does not have a previous disciplinary history.

## B. Facts

6. This disciplinary matter was initiated by a judicial referral from the Hon. Polly L. Hall dated March 22, 2024. In short, the matter concerns multiple findings of contempt against Respondent in her own divorce matter.
7. By way of background, Respondent's husband, [REDACTED], filed for divorce on January 5, 2023. *In the Matter of [REDACTED] and Kristina Cournoyer*, Case No. [REDACTED] (10th Circuit – Family Division – [REDACTED])
8. Respondent obtained a Domestic Violence Protection Order against Mr. [REDACTED] on May 16, 2023, which expired on May 15, 2024.
9. Attorney Steven G. Shadallah represented Mr. [REDACTED] during the pertinent time period. During most of the pertinent time period, Respondent represented herself.
10. The parties were married on January 18, 2020. They have one child, [REDACTED]. Initials only are used for the minor because various pleadings in the underlying divorce are confidential.
11. The divorce is ongoing. The divorce has been contentious, and has focused primarily on custody of [REDACTED], who was 3 years old during the pertinent time period.
12. The parties were initially operating on a 50/50 parenting schedule. Eventually, Respondent grew concerned based on statements by [REDACTED] that Mr. [REDACTED] may have [REDACTED]
13. Respondent filed an ex parte motion alleging these facts on August 1, 2023. The motion was heard by Judge Mark Weaver during a temporary hearing on August 9, 2023.
14. In addition to Respondent's ex parte motion, the Court also heard Mr. [REDACTED] Motion for Contempt. Mr. [REDACTED] Motion for Contempt

alleged that Respondent intentionally denied his parenting time since August 1, 2023.

15. Around this time, Respondent filed a report with the Division for Children, Youth and Family's Child Protection Bureau ("DCYF"). DCYF ultimately closed the file with no "safety plan" in place for [REDACTED] and no findings of abuse. No criminal charges were brought despite police reports by Respondent concerning Mr. [REDACTED]
16. In an Order dated August 18, 2023, Judge Weaver found as follows:

The evidence before me shows that the mother has come before the court several times seeking ex parte/emergency orders. Each time, her motion was denied. Yet, she has refused to follow the parenting orders issued by the court. I informed the mother at the hearing that she has clearly violated the orders and that she must follow the parenting plan in place unless she obtains a court order to the contrary. The parties report that the mother is an attorney. Therefore, she knows of her obligations to follow the orders of this court. The mother's behavior has been troubling.
17. The Court denied Respondent's ex parte motion and declined to suspend Mr. [REDACTED] parenting time. The Court ordered the parties to abide by the parenting schedule, but did not find Respondent in contempt at that time. Instead, the Court ordered that Mr. [REDACTED] motion for contempt would be heard at a later hearing.
18. On October 26, 2023, the Court held a hearing on the motion for contempt. In an Order dated November 30, 2023, the Court found that Respondent:

...simply decided to take matters into her own hands and to suspend the parenting time of the father after the court had denied her request for an order to do so, and after DCYF had not taken any action. The mother is an attorney and therefore is aware of the importance of following the court's orders since she is an officer of the court. She has not provided any reasonable explanation for ignoring the court's orders. Finally, although the mother has argued that she has a right under state law to unilaterally suspend the father's

parenting time, she has failed to cite any applicable statute that allows her to do so. To the extent her position was that she had “just cause” to violate the court’s orders (*see* RSA 461-A: 15), I find for the reasons set forth above that no such just cause existed.

19. The court found Respondent in contempt and granted Mr. [REDACTED] attorney’s fees. The Court approved \$1,200 in attorney’s fees.
20. In the interim time period between Mr. [REDACTED] first motion for contempt, and the hearing held on that motion as set forth above, Mr. [REDACTED] filed a second motion for contempt dated October 24, 2023.
21. Judge Polly Hall held a hearing on the second motion for contempt on January 11, 2024. By this date, Respondent had denied Mr. [REDACTED] parenting time on more than 15 occasions.
22. In an order and supplemental order dated January 12, 2024, the Court found Respondent in contempt for a second time and again awarded Mr. [REDACTED] attorney’s fees.
23. The Court further found that Mr. [REDACTED] would:  
unilaterally be allowed to select one day each week for the four weeks immediately following this Order when he shall be allowed to have the child from 5:30 p.m. until noon the next day . . . . The Respondent shall strictly comply with the four make-up overnights that father selects, failing which a show-cause hearing shall be scheduled at the request of the Petitioner. Law enforcement is authorized and requested to enforce this Order.
24. Respondent did not comply with this Order.
25. On January 30, 2024, Mr. [REDACTED] filed a Request for Immediate Show Cause Hearing. The Court issued an order on February 9, 2024 stating that the matter would be “addressed at 4/17/24 hearing.”
26. On February 13, 2024, Mr. [REDACTED] filed a “Fourth Motion for Contempt and to Add Pleading to April 17, 2024 Hearing.” This alleged that “the Respondent’s contemptuous behavior continues unabated,” and added 31

days in which Respondent did not produce the child to Mr. [REDACTED] for court-ordered parenting time. In addition, the Fourth Motion for Contempt alleged that Respondent had refused to allow Mr. [REDACTED] court-ordered video calls on 29 occasions.

27. On February 26, 2023, Mr. [REDACTED] filed a Verified Ex Parte Motion to Enforce Parenting Plan, For Contempt and Other Relief. In short, this pleading alleged that Respondent was “unilaterally depriving Father of his court-ordered parenting time despite repeated warnings by this Court and two separate contempt citations.” Mr. [REDACTED] had not seen [REDACTED] in more than four weeks at the time of this filing.
28. The same day, the Court granted the ex parte motion, as follows: “Mother is ordered to relinquish custody of child to Father immediately. Any law enforcement office is authorized and directed to assist in obtaining custody of said child in compliance with this order.”
29. The February 26, 2024 Order also awarded temporary sole custody and decision-making to Mr. [REDACTED].
30. The Court set a hearing for March 20, 2024.
31. The Court held the hearing on March 20, 2024, during which both parties testified.
32. In an Order dated the same day, the Court found Respondent in contempt for a third time and remanded her to the Rockingham House of Corrections “for her civil contempt and to coerce compliance until such time as she produces the parties’ child [REDACTED] to father . . . . Attorney Cournoyer, in essence, ‘holds the keys to the jail,’ she shall be released from custody upon compliance with Court order.”
33. Respondent arranged for [REDACTED] to be transported to [REDACTED] father, and was released from jail on or around March 21, 2024.
34. The parties more or less abided by the parenting schedule thereafter. The court held a further hearing on pending motions on April 17, 2024.

35. In an Order dated May 1, 2024, the court ordered [REDACTED]  
[REDACTED]  
[REDACTED] report, Respondent would have only weekly telephonic visits and certain supervised in-person visits, that pending further order of the court, Mr. [REDACTED] was awarded temporary sole decision-making responsibility and sole residential responsibility for [REDACTED] and that “Ms. Cournoyer has failed without just cause to obey the prior Order of the Court and is found in contempt. Mr. [REDACTED] is awarded attorney’s fees as required by RSA 461-A:15.”

36. The Court scheduled a review hearing after 60 days. The divorce matter is still pending, and [REDACTED]  
[REDACTED]

Respondent’s Personal Struggles, Mental Health Background,  
and Status of Law Practice

37. Respondent’s sister was killed in a car accident in 2018. Her father died in a motorcycle accident in 2021.

38. Respondent has been diagnosed with depression, ADHD, and anxiety, for which she is currently on medication. Respondent sees a therapist regularly and is currently working with the Lawyer’s Assistance Program.

39. Respondent has no current clients, is not counsel of record in any court matters, and does not maintain an IOLTA. She signed an affidavit attesting to this on July 23, 2024 during an in-person meeting at the ADO.

40. Respondent wishes to focus on her mental health, and on the ongoing divorce proceedings. She has been cooperative with the ADO and readily acknowledged the misconduct set forth herein.

C. Disciplinary Rules Violated

41. The parties agree that Ms. Cournoyer’s conduct in this case involves

violations of the New Hampshire Rules of Professional Conduct, as follows:

**Rule 3.4: Fairness to Opposing Party and Counsel**

42. The facts set forth at ¶¶ 1-41 above are incorporated by reference.
43. Rule 3.4 states, in pertinent part, as follows:

A lawyer shall not:

- (c) knowingly disobey an obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists;

44. Ms. Cournoyer violated Rule 3.4(c) by knowingly disobeying the Court's Orders as to the parenting plan, which led to contempt findings by the Court in Orders dated October 26, 2023, January 12, 2024, March 20, 2024 and May 1, 2024.

**Rule 8.4(a): General Rule**

45. Having found the foregoing violation, there is clear and convincing evidence that Ms. Cournoyer's conduct, as described herein, violated N.H. R. Prof. Conduct 8.4(a).

**D. Recommended Sanction**

46. The Attorney Discipline Office and Ms. Cournoyer jointly agree that a two year suspension is the appropriate sanction in this matter. This sanction would serve the purposes of attorney discipline.
47. Both case law and the American Bar Association's *Standards for Imposing Lawyer Sanctions* (2005) ("*Standards*") support this sanction.
48. 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).

49. 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.
50. 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").
51. Under the first prong of the analysis, Ms. Cournoyer violated duties owed to the legal system.
52. With respect to Ms. Cournoyer's mental state under the second prong of the sanction analysis, the parties agree that Ms. Cournoyer's mental state was knowing in that she was "aware of attendant circumstances," including the operative parenting plans as ordered by Court, and the fact that she was not complying with them.
53. Ms. Cournoyer would testify that she had a sincerely held belief at the time that she needed to protect ■■■, and that she placed her duties as a mother at the forefront of her actions. She acknowledges, however, that as an attorney and officer of the court, her conduct in violating multiple court orders merits a disciplinary sanction.

54. The third prong of the sanction analysis requires an assessment of the actual or potential injury caused by Ms. Cournoyer's misconduct.
55. Ms. Cournoyer's conduct wasted judicial resources and required her husband to incur unnecessary attorney's fees. In addition, the integrity of the profession is damaged when a lawyer knowingly violates court orders.
56. The parties agree that the baseline sanction in this matter is a suspension. *See Standards* § 6.22.
57. Ms. Cournoyer's 3.4 rule violation implicates Section 6.2 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 failure to expedite litigation or bring a meritorious claim, or failure to obey any obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists:

- 6.21 Disbarment is generally appropriate when a lawyer knowingly violates a court order or rule with the intent to obtain a benefit for the lawyer or another, and causes serious injury or potentially serious injury to a party or causes serious or potentially serious interference with a legal proceeding.
- 6.22 **Suspension is generally appropriate when a lawyer knows that he or she is violating a court order or rule, and causes injury or potential injury to a client or a party, or causes interference or potential interference with a legal proceeding.**
- 6.23 Reprimand is generally appropriate when a lawyer negligently fails to comply with a court order or rule, and causes injury or potential injury to a client or other party, or causes interference or potential interference with a legal proceeding.
- 6.24 Admonition<sup>1</sup> is generally appropriate when a lawyer engages in an isolated instance of negligence in complying with a court order or rule, and causes little or no actual or potential

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<sup>1</sup> The term "admonition," as used in the *ABA Standards*, is analogous to a reprimand in New Hampshire. The term "reprimand," as used in the *ABA Standards*, is analogous to a public censure in New Hampshire.

injury to a party, or causes little or no actual or potential interference with a legal proceeding.

(emphasis added).

58. Ms. Cournoyer's conduct in this matter, when considered under *Standard* 6.22, would call for a baseline sanction of suspension.
59. The baseline sanction must be considered in light of any aggravating and mitigating factors. *E.g.*, *Conner's Case*, 158 N.H. at 303.
60. In this case the only aggravating factor present is a pattern of misconduct. *See Standards* § 9.22.
61. Mitigating factors include the absence of prior disciplinary record, personal and emotional problems, inexperience in the practice of law, remorse, and imposition of other penalties or sanctions (she was ordered to pay attorney's fees, has lost 50/50 parenting time with her [REDACTED] as well as decision-making authority). *See Standards* § 9.32.
62. The parties agree that given the baseline sanction, and consideration of aggravating and mitigating circumstances, a two-year suspension retroactive to July 23, 2024 (the date on which Respondent signed the affidavit regarding not practicing law) serves the purposes of discipline and is an appropriate sanction in this case.
63. Respondent could not practice law again until meeting her burden pursuant to Rule 37(14)(b), governing reinstatement for suspensions of over six months.

#### E. Costs

64. Subject to the PCC's approval of Ms. Cournoyer's Stipulation, Ms. Cournoyer 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. Cournoyer.

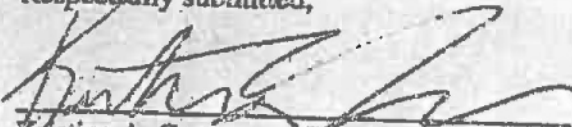
## F. Effect of Stipulation

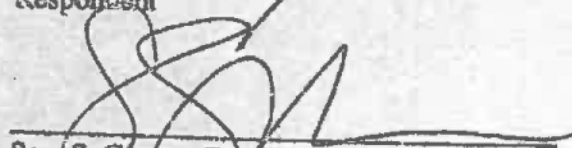
65. Ms. Courmoyer understands that this Stipulation represents a recommended disposition, and that the PCC may accept, reject, or conditionally accept the Stipulation pursuant to Rule 37A(III)(aa)(1).
66. Ms. Courmoyer acknowledges that the admissions of misconduct and the proposed disposition contained 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.
67. Ms. Courmoyer understands that she has a right to obtain counsel regarding this Stipulation and, that she is fully aware of the consequences of the Stipulation.
68. Ms. Courmoyer knowingly and intelligently waives her right to a hearing.

Date: Aug 12 2024

Date: 8-13 2024

Respectfully submitted,

  
\_\_\_\_\_  
Kristina A. Courmoyer, Esquire  
Respondent

  
\_\_\_\_\_  
Sara S. Greene, Esquire  
Disciplinary Counsel