

New Hampshire Supreme Court
Professional Conduct Committee

a committee of the attorney discipline system

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Minuti, Matthew D.

advs.

Attorney Discipline Office

#25-013

**ORDER ON MOTION TO APPROVE STIPULATION, PROTECTIVE ORDER AND
AGREEMENT TO PAY COSTS**

On March 17, 2026, the Professional Conduct Committee deliberated this matter. The Committee voted to conditionally approve the stipulation if the parties agree to the following edits:

- 1) The LAP agreement on page 3 states that the term of the agreement is one year, but then lists the dates of the agreement as “from 10/24/2025 to 10/24/2025.” That second date should be amended to 10/24/2026.
- 2) Paragraph 99, subparagraph (a): The Committee asks the parties to amend the second sentence to read: “If it determines that a condition has been violated, the Committee may lift the stay and impose up to a six-month suspension.”
- 3) Paragraph 99, subparagraph (c): The Committee asks the parties to amend the first sentence to read: “If a Hearing Panel determines that a condition has been violated, the Panel may recommend imposition of up to a six-month suspension.”

If the parties agree to these changes, the stipulation is approved. If not, the parties remain free to continue negotiations.

The Committee voted to approve the protective order and the agreement to pay costs.

Dated: March 17, 2026

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

cc: Sara S. Greene, Disciplinary Counsel (via electronic mail)
Matthew D. Minuti, Esquire (via electronic mail)
Jim Cowles, Esquire (Counsel for Gillian Frost) (via electronic mail)

NEW HAMPSHIRE SUPREME COURT
PROFESSIONAL CONDUCT COMMITTEE

Minuti, Matthew D.

advs.

Attorney Discipline Office

#25-013

**STIPULATION AS TO FACTS, VIOLATIONS, AND SANCTION:
SIX MONTH SUSPENSION, STAYED FOR ONE YEAR
WITH CONDITIONS**

Respondent Matthew D. Minuti, Esq., and the Attorney Discipline Office (ADO) stipulate as follows:

A. Facts

1. Mr. Minuti is an attorney licensed to practice law in New Hampshire. Mr. Minuti was admitted to practice in 2021.
2. Mr. Minuti does not have a previous disciplinary history.
3. Mr. Minuti has not been admitted to practice law in any other jurisdiction.
4. This disciplinary matter arises from a replevin action filed in the Carroll Superior Court captioned *Gillian Frost v. Edward Barosky, Jr.*, (212-2024-CV-00032) (the “Action”). Mr. Minuti represented Ms. Frost from December 2023 until his withdrawal in June 2024.
5. Ms. Frost sought to recover her personal property left behind in Mr. Barosky’s house after she had moved out of the property at the end of their relationship. Ms. Frost has lived in California since before contacting Mr. Minuti and continues to live there.

6. When Ms. Frost first contacted Mr. Minuti , he operated his law office at 320 Rockingham Rd, Suite 3, Auburn N.H. From roughly March 1, 2024 to May 15, 2024, he worked out of his parents' basement (and the bar center) and used a P.O. Box in Auburn while attempting to locate appropriate permanent office space. Beginning on May 15, 2024, his office was located at 146 Londonderry Turnpike, Suite 9, Hooksett N.H.
7. As of August 1, 2025, he operates as Minuti Law, PLLC, located at 15 Constitution Drive, Suite 1A 108, Bedford, NH 03110.

The Replevin Action; Mr. Minuti Communicates Effectively with His Client From Retention in December 2023 to Preliminary Hearing on May 7, 2024

8. Ms. Frost originally contacted Mr. Minuti on December 14, 2023. They spoke for two hours regarding the case. During this conversation, Mr. Minuti informed Ms. Frost that he required a \$5,000 retainer and billed at \$350/hour. Ms. Frost hired Mr. Minuti to represent her in the Action.
9. After some discussion regarding the retainer, Mr. Minuti emailed Ms. Frost on December 28, 2023, agreeing to take a \$1,500 retainer with “the rest of the \$5,000 by the end of January in as many transactions as needed[.]” Ms. Frost paid Mr. Minuti \$1,500 on December 31, 2023. He requested that Ms. Frost provide a list of the items she was seeking to recover from Mr. Barosky’s residence.
10. Mr. Minuti began drafting the complaint and spoke again with his client on January 30, 2024 for 90 minutes. Mr. Minuti reminded her during this call that she still owed \$3,500, representing the rest of the retainer. Ms. Frost provided an inventory of items. Although she still had not yet paid the full retainer, Mr. Minuti filed the complaint on February 28, 2024.
11. Mr. Barosky retained an attorney, Mark Waldner, Esq., and filed a counterclaim.
12. Mr. Minuti and Ms. Frost spoke again regarding the case on March 7, 2024 for nearly an hour. On April 18, 2024, Mr. Minuti billed his client for the work he had performed up to that date. The invoice exceeded the \$1,500 initial retainer by

\$989.95. Mr. Minuti sent a request for a payment, as well as a request to pay the balance of the \$5,000 retainer.

13. Mr. Minuti had further teleconferences with Ms. Frost on April 23 and May 1, 2024.
14. Mr. Minuti and Attorney Waldner had discussed mediation and had tentatively agreed upon Greg Eaton as a mediator prior to any court orders relating thereto.
15. The Court held a preliminary hearing on May 7, 2024. The parties appeared for the hearing via Webex.
16. On that day, Ms. Frost sent a payment of \$1,500 towards the outstanding balance of \$3,500 for the retainer.
17. During the hearing, the parties agreed to attempt mediation and to schedule a video walkthrough of the residence. The Court entered an order at the May 7 preliminary hearing that contained three deadlines (“the May 7 Order”).
18. First, Mr. Barosky was to return the items that he agreed were Ms. Frost’s property within thirty days, *i.e.* any uncontested¹ items were to be returned to Ms. Frost. Second, the parties were to schedule a video walk-through of Mr. Barosky’s property with a sheriff present by May 14, 2024, *i.e.* within 7 days of the Order. Finally, the parties were to submit an agreed-upon mediation plan to the Court within 30 days so as to create an enforceable order to mediate, or to submit mediation proposals by that date for the court to decide upon and order. The Order specified that “in any case” mediation was to be completed within 120 days.
19. As set forth further below, other than the video walk-through, these deadlines were not met. Mr. Minuti stopped communicating with opposing counsel after May 10,

¹Out of approximately 560 items in the replevin action, approximately 220 were uncontested and acknowledged to be in Mr. Barosky’s possession. These uncontested items included many large pieces of furniture, countertop-sized marble slabs, heavy exercise equipment, fine china, concrete planters, and other such items requiring specialized consideration. A moving crew and multiple trucks were going to be required to claim them.

2024. He last communicated with his client on May 7, 2024, and did not communicate with her again until June 17, 2024, in response to Ms. Frost's request that he withdraw as counsel. Ms. Frost hired successor counsel in July 2024, and the Action settled in mediation in May 2025.

After the May 7, 2024 Preliminary Hearing: Mr. Minuti Fails to Properly Communicate With his Client and Opposing Counsel for 40 Days

20. Mr. Waldner emailed Mr. Minuti on May 8, 2024, stating he was trying to coordinate the walk through with the sheriff's office. Mr. Minuti did not immediately respond, and on May 9, 2024, Mr. Waldner informed Mr. Minuti that "[w]e've coordinated with the Sheriff, and they plan on being there tomorrow at 5 for the walk through." Though the timeline was tight for the walkthrough to occur given the deadlines in the May 7 Order, Mr. Minuti was somewhat surprised that Mr. Waldner set up the walkthrough without confirmation by Mr. Minuti that such date worked for Ms. Frost.
21. Mr. Minuti emailed Mr. Waldner the next morning, on May 10, 2025 (the day of the walkthrough), stating that he had checked with his client, and Ms. Frost wanted her elderly parents there as her representatives, as she was living out of state. Mr. Barosky refused.
22. Later that day at 1:03 PM Mr. Waldner proposed via email, in pertinent part, the following alternatives:

Considering the situation, I've outlined a few potential options for scheduling the walkthrough.

 1. We move forward as originally planned today. If, after receiving the video, there are other questions or places you or your client would like documented, we could always re-record those sections.
 2. Ed has promised Monday at 9 or 9:30 a.m. so both counsels can attend. This would still need to be coordinated with the sheriff.
 3. Finally, Ed has proposed May 15 at 7 am, May 15 at 5 pm, and May 16 at 5 pm. These dates and times are outside of the order and will

require an assented to extension but would permit a time for us to both be there.

I will keep the current walkthrough scheduled for tonight as planned. If I don't hear back from you before 4, we will plan to move forward with option 1 to ensure you have a video taken in accordance with the Court's order. Of course, I'd be happy to discuss an alternative method with Ed if we can work out an alternative method.

23. Mr. Minuti did not respond by 4 p.m. (again, a tight turnaround time), and the walk through went through as scheduled.
24. On the evening of May 10, 2024, Ms. Frost emailed and called Mr. Minuti for an update. Ms. Frost then texted Mr. Minuti, stating "we need more of a heads up for my parents for walkthrough. This is just like Ed to rush it so they can't make it. Please reschedule and let me know as soon as possible. If the walkthrough is happening without us – it will need to happen again."
25. On May 13, 2024, Ms. Frost asked via email about retrieving the uncontested items from the property. Mr. Minuti did not respond.
26. Also on May 13, 2024, Mr. Waldner emailed a video of the walk-through to Mr. Minuti and made efforts to comply with the remaining deadlines in the May 7 Order. First, the requirement that Mr. Barosky return any uncontested items to Ms. Frost within 30 days of the Order. Towards this end, Mr. Waldner stated that his client "can be made available any day during the week of May 20, 2024." Second, Mr. Waldner also attempted to schedule mediation, noting days he was on vacation, two proposed mediators, and his availability on "most dates." He stated "it would be nice to provide our clients with a global resolution."
27. Mr. Minuti never responded to this email from opposing counsel. He did not inform Ms. Frost of this email.
28. Thereafter, from May 22, 2024 to June 6, 2024, Ms. Frost repeatedly emailed and called Mr. Minuti. Mr. Minuti did not respond, nor had he filed a withdrawal or informed her that he intended to withdraw or otherwise no longer represented her.

29. On June 6, 2024, Mr. Barosky filed a Motion to Amend and Proposed Plan for Mediation, seeking to extend deadlines given the lack of progress in the case and the impending 30-day deadline from the May 7 Order. Mr. Barosky's Motion noted that Mr. Minuti never responded to his attorney's email of May 13, 2024 to Mr. Minuti containing, *inter alia*, proposed dates for mediation.
30. On June 7, 2024, Ms. Frost paid Mr. Minuti \$2,000 in two \$1,000 transactions.
31. She called Mr. Minuti's office that day and left a voicemail. He did not respond.
32. On June 10, 2024, having heard nothing from Mr. Minuti, Ms. Frost attempted to file a pleading *pro se* responding to Mr. Barosky's Motion to Amend. Ms. Frost's pleading notified the Court that "I have not been able to reach my attorney . . . since May 7, 2024 . . . Mr. Minuti was NOT communicating with Mark Waldner on my behalf since May 10, 2024."
33. On June 13, 2024, Mr. Barosky objected to Ms. Frost's pleading. He argued that the pleading should be struck because it was filed *pro se*, and Ms. Frost had counsel. On the same day, Ms. Frost emailed Mr. Waldner. She asked questions about her pleading and wanted to discuss possible resolution of the Action.
34. Mr. Waldner responded appropriately, informing Ms. Frost that he could not discuss the matter "because you are technically still represented in this matter, I'm not allowed to communicate directly with you about the case due to our ethical rules."
35. Ms. Frost called and left Mr. Minuti a voicemail on June 13, 2024.
36. On June 18, 2024, Mr. Minuti filed a withdrawal in the Action. He emailed Ms. Frost on that date, stating "I sincerely apologize for the subpar communication – I relocated the office and had some associated difficulties." He promised to refund the "excess retainer promptly"
37. In addition, Mr. Minuti attached a "draft Motion to Dismiss [counterclaim] and Answer," further stating "I recommend adjusting the dates and the signature lines on the Motion to Dismiss, then filing asap. If it is not granted, an Answer will need to be filed."

38. Ms. Frost thereafter hired successor counsel, Jim Cowles, Esq.
39. Mr. Minuti refunded Ms. Frost \$452.55. He did not bill any time after May 7, 2024 (the date of the hearing), and did not bill for time spent drafting the Answer and Motion to Dismiss the counterclaim. Undersigned interviewed successor counsel Mr. Cowles, who stated that he did make use of Mr. Minuti's drafts, as they were already in his client's file.
40. Mr. Minuti produced upon request his client ledger and his time entries, as well as client file material. It appears that Mr. Minuti earned \$4,525 in fees as of May 7, 2025 by preparing and filing the Replevin Action, taking multiple lengthy calls from the client, and preparing for the May 7, 2025 hearing.
41. Mr. Cowles was able to get the case back on track with agreement from Mr. Waldner. Mr. Cowles represented to the ADO that for various reasons, the case did not promptly go to mediation.
42. Mr. Waldner withdrew from the case November 14, 2024.
43. On January 13, 2025, Mr. Cowles asked the Court to extend the mediation deadline to April 15, 2025. On March 5, 2025, the Court entered default against Mr. Barosky for failure to file an appearance. Default was struck March 24, 2025 and the mediation deadline was extended to May 25, 2025.
44. Ms. Frost's matter ultimately settled in mediation on May 12, 2025.

Contributing [REDACTED] Conditions and Other Personal Problems

45. Mr. Minuti acknowledges that his failure to communicate and act diligently after the May 7 Order violates Rules 1.1, 1.3 and 1.4. He deeply regrets these failures.
46. He recognizes that to the extent he was not able to represent Ms. Frost effectively, the only appropriate course was to file a notice of withdrawal consistent with Rule 1.16 and the Superior Court Rules governing same. He was concerned in part with Ms. Frost's failure to pay for overdue legal fees owed in the period following the May 7, 2025 hearing; her payments made on May 7 and June 7 were towards fees already earned. That notwithstanding, Mr. Minuti failed to communicate at all

with Ms. Frost during this period, and he did not move to withdraw. He recognizes this failure violated his ethical duties as set forth herein.

47. At the time, however, he was facing [REDACTED] [REDACTED] that contributed to his misconduct and clouded his ability to make the correct judgment. Instead of dealing with the matter appropriately, Mr. Minuti had an avoidant reaction. Since the pertinent events, Mr. Minuti has addressed and treated, and continues to address and treat, his mental health issues through a Voluntary Monitoring Agreement with LAP.

48. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

49. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

² [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

50. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

51. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

52. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

53. In addition to these [REDACTED], during his representation of Ms. Frost, Mr. Minuti was experiencing [REDACTED]. He was in the midst of moving offices, which involved a period working out of his parent’s basement, was buying a home in the pertinent time period, while also attempting to assist with child care for his two children, then 1 and 3 years old. His wife had begun a new job as a prosecutor and had little flexibility to assist with child care during this time. Mr. Minuti was in the Auburn office when he first took on Ms. Frost’s case, then worked from a storage unit and his parent’s home, then moved into the Hooksett office.

54. In retrospect, Mr. Minuti is aware that he had an avoidant reaction in the midst of these struggles [REDACTED]. His Voluntary Monitoring Agreement, dated November 26, 2025, is attached hereto.

55. Mr. Minuti has worked cooperatively with the ADO and readily acknowledged his conduct violated his duties of competence, diligence and communication.

B. Disciplinary Rules Violated

56. The parties agree that Mr. Minuti's conduct in this case involves violations of the New Hampshire Rules of Professional Conduct, as follows:

Rule 1.1: Competence

57. The facts set forth at ¶¶ 1-56 above are incorporated by reference.

58. Rule 1.1 states as follows:

- (a) A lawyer shall provide competent representation to a client.
- (b) Legal competence requires at a minimum:
 - (1) specific knowledge about the fields of law in which the lawyer practices;
 - (2) performance of the techniques of practice with skill;
 - (3) identification of areas beyond the lawyer's competence and bringing those areas to the client's attention;
 - (4) proper preparation; and
 - (5) attention to details and schedules necessary to assure that the matter undertaken is completed with no avoidable harm to the client's interest.
- (c) In the performance of client service, a lawyer shall at a minimum:
 - (1) gather sufficient facts regarding the client's problem from the client, and from other relevant sources;
 - (2) formulate the material issues raised, determine applicable law and identify alternative legal responses;
 - (3) develop a strategy, in consultation with the client, for solving the legal problems of the client; and
 - (4) undertake actions on the client's behalf in a timely and effective manner including, where appropriate, associating with another lawyer who possesses the skill and knowledge required to assure competent representation.

59. Mr. Minuti violated Rule 1.1 because in Ms. Frost's matter he ceased communicating with her over a 40 day period as set forth herein and also failed to respond to opposing counsel regarding proposals that pertained to the May 7 Order.

60. Mr. Minuti violated Rule 1.1 because in failing to respond, he failed to undertake actions in a timely and effective manner, and failed to attend to details and schedules necessary to ensure her matter was completed with no avoidable harm.

Rule 1.3: Diligence

61. The facts set forth at ¶¶ 1-56 above are incorporated by reference.

62. Rule 1.3 states as follows:

A lawyer shall act with reasonable diligence and promptness in representing a client.

63. Mr. Minuti violated Rule 1.3 because for approximately 40 days, he did not communicate with Mr. Frost or with opposing counsel. During this time-period, the parties were to have submitted a plan to mediate the dispute and to have arranged for the return of Ms. Frost's uncontested personal property that was not in dispute. None of this occurred.

64. Mr. Minuti violated Rule 1.3 because he failed to comply with the deadlines in the May 7 Order and did not take steps to extend those deadlines.

Rule 1.4: Communication

65. The facts set forth at ¶¶ 1-56 above are incorporated by reference.

66. Rule 1.4 states in pertinent part as follows:

(a) A lawyer shall:

- (1) promptly inform the client of any decision or circumstance with respect to which the client's informed consent is required by these Rules;
- (2) reasonably consult with the client about the means by which the client's objectives are to be accomplished;
- (3) keep the client reasonably informed about the status of the matter.
- (4) promptly comply with reasonable requests for information;
and
- (5) consult with the client about any relevant limitation on the lawyer's conduct when the lawyer knows that the client expects assistance not permitted by the Rules of Professional Conduct or other law.

67. Mr. Minuti violated Rule 1.4 because he did not keep Ms. Frost reasonably informed about the status of the Action from May 10, 2024 until June 18, 2024, a period during which deadlines ran pursuant to the May 7 Order. In particular, he did not inform her of Mr. Waldner's May 13, 2025 email setting forth a proposed plan of action to comply with the May 7 Order.
68. Mr. Minuti violated Rule 1.4 because he did not promptly comply with Ms. Frost's reasonable requests for information from May 10, 2024 until June 18, 2024, a period during which deadlines ran pursuant to the May 7 Order.

Rule 8.4(a): General Rule

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

C. Recommended Sanction

70. The Attorney Discipline Office and Mr. Minuti jointly agree that a six month suspension, stayed for one year is the appropriate sanction in this matter. This sanction would serve the purposes of attorney discipline.
71. Both case law and the American Bar Association's *Standards for Imposing Lawyer Sanctions* (2005) ("*Standards*") support this sanction.
72. 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).

Baseline Analysis

73. 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.

74. 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”).
75. Under the first prong of the analysis, Mr. Minuti violated duties owed to his client.
76. With respect to Mr. Minuti’s mental state under the second prong of the sanction analysis, Mr. Minuti’s mental state was a combination of negligent and knowing.
77. His actions were partly negligent in that, due to his mental health conditions, he could not focus nor be effective as usual and so was not fully “aware of a substantial risk that circumstances existed or that a result would follow” *Standards*, Sec. III (“Definitions”).
78. That notwithstanding, Mr. Minuti acknowledges that he also had a “conscious awareness of the attendant circumstances of his conduct,” such as the fact that he remained counsel of record in the Action, that his client was repeatedly attempting to reach him, and that he had not responded to his client.³ Due to the [REDACTED]

³ The *Standards*, as well as New Hampshire’s Rules of Professional Conduct, differentiate between a knowing state of mind and an intentional state of mind. An intentional state of mind is the most culpable state of mind, defined in the *Standards* as acting with “a conscious objective or purpose to accomplish a particular result.” Rule 1.0(f) of the N.H.R. Prof. Conduct defines “knowingly” as “denot[ing] actual knowledge of the fact[s] in question. A person’s knowledge may be inferred from circumstances.” The *Standards* define “knowledge” as a “conscious awareness of the nature or attendant circumstances of the conduct but without the conscious objective or purpose to accomplish a particular result.” *Standards*, Sec. III (“Definitions”). *See also In Re*

████████████████████, together with the broader circumstances in his personal life, Mr. Minuti failed to appreciate the length of time that had elapsed during which he was uncommunicative.

79. The third prong of the sanction analysis requires an assessment of the actual or potential injury caused by Mr. Minuti's misconduct.
80. Mr. Minuti's conduct caused injury. His lack of communication caused Ms. Frost to feel stressed and anxious, which in turned negatively affected her confidence in the Bar. His failure to promptly convey the content of Mr. Waldner's May 13, 2024 potentially delayed the matter because agreement might have been reached regarding her uncontested items and a date for mediation.⁴ The matter did ultimately settle in mediation in May 2025.
81. Mr. Minuti's Rule 1.3 and 1.4 violations implicate Section 4.4 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 a failure to act with reasonable diligence and promptness in representing a client:

4.41 Disbarment is generally appropriate when:

- (a) a lawyer abandons the practice and causes serious or potentially serious injury to a client; or
- (b) a lawyer knowingly fails to perform services for a client and causes serious or potentially serious injury to a client; or
- (c) a lawyer engages in a pattern of neglect with respect to client matters and causes serious or potentially serious injury to a client.

4.42 **Suspension is generally appropriate when:**

Wyatt's Case, 159 N.H. 285, 307, 982 A.2d 396, 413 (2009) (discussing "knowing" misconduct and stating "[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.").

⁴ The parties use "potentially delayed" because even though successor counsel was involved, the matter did not settle for nearly a year and required continuing negotiation, and might not have settled any sooner even had Mr. Minuti been continuously actively involved. Still, Mr. Minuti takes responsibility for the ethical violations detailed herein.

(a) **a lawyer knowingly fails to perform services for a client and causes injury or potential injury to a client, or**

(b) a lawyer engages in a pattern of neglect and causes injury or potential injury to a client.

4.43 Reprimand is generally appropriate when a lawyer is negligent and does not act with reasonable diligence in representing a client, and causes injury or potential injury to a client.

4.44 Admonition⁵ is generally appropriate when a lawyer is negligent and does not act with reasonable diligence in representing a client, and causes little or no actual or potential injury to a client.

(emphasis added).

82. Mr. Minuti's conduct in this matter, when considered under *Standard* 4.42(a) or (b), would call for a baseline sanction of suspension.

83. Mr. Minuti's Rule 1.1 violation implicates Section 4.5 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 provide competent representation to a client:

4.51 Disbarment is generally appropriate when a lawyer's course of conduct demonstrates that the lawyer does not understand the most fundamental legal doctrines or procedures, and the lawyer's conduct causes injury or potential injury to a client.

4.52 **Suspension is generally appropriate when a lawyer engages in an area of practice in which the lawyer knows he or she is not competent, and causes injury or potential injury to a client.**

4.53 Reprimand is generally appropriate when a lawyer:

(a) demonstrates failure to understand relevant legal doctrines or procedures and causes injury or potential injury to a client; or

(b) is negligent in determining whether he or she is competent to handle a legal matter and causes injury or potential injury to a client.

⁵ 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.

4.54 Admonition is generally appropriate when a lawyer engages in an isolated instance of negligence in determining whether he or she is competent to handle a legal matter, and causes little or no actual or potential injury to a client.

(emphasis added).

84. The ADO notes that in New Hampshire, *Standard* 4.5, governing competence, provides less meaningful guidance than *Standard* 4.4, addressing diligence, because *Standard* 4.5 addresses the ABA Model Rule 1.1, which differs significantly from New Hampshire's Rule 1.1.
85. The ABA Model Rule states simply "[a] lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation." New Hampshire's Rule 1.1, by contrast, differs significantly from the Model Rule and is extremely detailed, defining in nine subsections what specific actions/efforts constitute competency "at a minimum." *See supra*, ¶ 58.
86. In this matter, the gravamen of the misconduct under Rule 1.1 is not that Mr. Minuti "engage[d] in an area of practice in which [he knew] he . . . was not competent," as stated in *Standard* 4.5, but rather that he violated his duty under N.H. Ethical Rule 1.1 because he did not properly prepare, attend to details sufficiently, or undertake action on the client's behalf in a timely and effective manner.
87. For these reasons, *Standard* 4.42(a) is the most applicable, and provides for a baseline sanction of suspension.

Aggravating and Mitigating Factors & Case Law

88. The baseline sanction must be considered in light of any aggravating and mitigating factors. *E.g.*, *Conner's Case*, 158 N.H. at 303.
89. In this case there are no aggravating factors. Though Mr. Minuti failed, for around 40 days, to respond to his client, the "pattern of misconduct" aggravator is usually applied where a lawyer either engages in misconduct across multiple client matters, or over a lengthy period of time within one client matter.

90. For example, in *Mesmer's Case*, Mr. Mesmer violated nine ethical rules over a 11-month period, engaging in repeated dishonesty with his client, the court, and his supervisor at the law firm. 173 N.H. 108 (2020). Similarly, in *In re Nadeau*, Mr. Nadeau, over a period of years, engaged in misappropriation, conflicts of interest, an impermissible transaction with a client, as well as theft from a charity, dishonesty with his client and the ADO, failure to cooperate with the ADO and obey orders of the Chair, and fabrication of evidence produced to the ADO. LD 2022-0009 (April 16, 2024). The Supreme Court in both matters found a pattern of misconduct to be an aggravating factor.
91. This stands in contrast to the current matter, in which Mr. Minuti failed to communicate for approximately a month in a single client matter. *See e.g. In re Redden*, 153 P.3d 113 (Or. 2007) (though lawyer engaged in serious neglect as to a single client's matter, there was no pattern of misconduct because lawyer had no prior disciplinary history and record was devoid of evidence that lawyer engaged in similar misconduct in the past).
92. Mitigating factors include absence of a previous disciplinary record, absence of a dishonest or selfish motive, personal and emotional problems, full and free disclosure to the ADO and cooperative attitude toward proceedings, inexperience in the practice of law,⁶ and remorse. *See Standards* § 9.32.

⁶ Mr. Minuti has been in practice for less than five years. His only mentoring and training experience was a brief employment with the Keri Marshall Law Office, as a part time assistant prior to law school, as well as during the summers of 2019, 2020 and 2021 as a legal intern. This experience involves virtually no training or substantive mentoring according to Mr. Minuti. The PCC may recall that Ms. Marshall resigned while under investigation in March 2022. However, a subsequent ADO prosecution in the fall of 2023 of her "supervisor" Brian Kenyon demonstrated that Ms. Marshall continued to own and operate the law firm, and act as signatory on the IOLTA for the law firm, even following her resignation. This business model violated the ethical rules, and as a result, Mr. Kenyon, the only attorney at the Marshall Law Office, was suspended on an interim basis by Supreme Court Order dated December 6, 2023. (The affidavits in support of these resignations are confidential, but the ADO's Petition for Interim Suspension of Mr. Kenyon is not.) Mr. Kenyon resigned under investigation in by Order dated June 26, 2024.

93. In determining the appropriate sanction, the New Hampshire Supreme Court has instructed that the purpose of attorney discipline is "not to inflict punishment, but rather to 'protect the public, maintain public confidence in the bar, preserve the integrity of the legal profession and prevent similar conduct in the future.'" *Grew's Case*, 156 N.H. 361, 365 (2007); *Richmond's Case*, 152 N.H. 155, 159-60 (2005).
94. Mitigating factors significantly outweigh aggravating factors. Therefore, given the baseline sanction, and consideration of aggravating and mitigating circumstances, a six month suspension, stayed for one year, serves the purposes of discipline and is an appropriate sanction in this case.
95. This sanction is proportional to discipline imposed in other cases involving breaches of competence, diligence and communication where mental or physical conditions contributed to the misconduct. *See, e.g., Ventura, John advs. ADO, # 24-010, 24-023* (1 year stayed suspension; experienced attorney knowingly violated Rules 1.1, 1.3, and 1.4, resulting in clients losing their home and having to pay over \$24,000 in legal fees to the opposing party); *Trunzo, Thomas H., Jr. advs. ADO, #2023-002* (1 year stayed suspension; experienced attorney knowingly failed to comply with court orders, devaluing the client's estate), *Kunz, Carol L. advs. ADO, #2022-003* (stayed suspension).
96. *Walker, Colleen advs. ADO, #2024-009*, is likewise instructive in considering proportionality of sanction. Ms. Walker was an experienced attorney who violated Rules 1.1, 1.3, 1.4, 1.7 and 3.3 in a probate matter. She did not engage in self-dealing or dishonesty, and was extremely cooperative with the ADO and readily accountable, just as Mr. Minuti has been. Ms. Walker received a six-month suspension stayed for one year with conditions of no further misconduct and specialized CLE. There was no contributing wellness problem in that case, but this Committee appropriately approved the Stipulation.
97. The parties therefore agree that given the baseline sanction, consideration of significant mitigating circumstances, as well as contributing wellness concerns (which Respondent voluntarily addressed and continues to treat through LAP), a

six month suspension stayed for one year, with conditions imposed to ensure no further misconduct and treatment of the underlying [REDACTED], serves the purposes of discipline and is an appropriate sanction in this case.

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

98. Mr. Minuti agrees to comply with the following conditions for one year, which shall begin on the date the Professional Conduct Committee accepts this Stipulation:
- a. Respondent shall complete six hours of CLE, in addition to the minimum yearly CLE requirements, in the area of client communication and attorney wellness. Respondent shall obtain the ADO's agreement to such CLEs in advance.
 - b. Jill O'Neil of the Lawyer's Assistance Program shall supply Disciplinary Counsel with quarterly reports, 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 thereafter as set forth by the ADO. The reports shall set forth Mr. Minuti's compliance with the Voluntary Monitoring Agreement.
 - 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.
 - d. Respondent will engage in no professional misconduct during the one year period.
99. If it is alleged that Mr. Minuti violated any of the conditions enumerated at Paragraphs 98(a) and (b) above, the following shall apply:

- (a) Upon motion by Disciplinary Counsel, the Professional Conduct Committee may determine whether any of the conditions enumerated at Paragraph 98(a) and (b) have been violated. If it determines that a condition has been violated, the Committee shall lift the stay and recommend imposition of a six month 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.
 - (b) 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 Paragraphs 98(a) and (b) of this Stipulation have 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 Paragraphs 98(a) and (b) have been violated.
 - (c) If a Hearing Panel determines that a condition has been violated, the Panel shall lift the stay and recommend imposition of a six month 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.
100. If a new grievance or referral is filed against Mr. Minuti during the one-year period of the stay, thus implicating the condition at Paragraph 98(d), the following shall apply:
- (a) So long as a grievance or referral is filed within the one-year period of the stay (“the subsequent proceeding”), and the alleged misconduct occurred, at least in part, during the one-year period, the stay can be lifted and the six month suspension imposed at such time as there is a finding of misconduct in the subsequent proceeding, even if such finding occurs beyond the one-year period of the stay.

- (b) Pending the final resolution of the subsequent proceeding, the matter underlying this Stipulation shall not be closed.
- (c) If the conditions of Paragraphs 98(a) and (b) have been met, Mr. Minuti 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 one year period of stay.
- (f) If a grievance or referral is filed within the one-year period of the stay, Mr. Minuti 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.

E. Costs

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

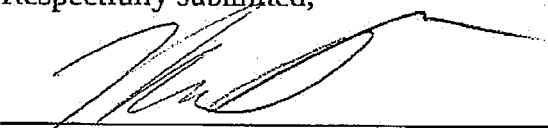
F. Effect of Stipulation

102. Mr. Minuti 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).
103. Mr. Minuti acknowledges that the admissions of misconduct and the proposed disposition contained in this Stipulation are freely, knowingly, and voluntarily submitted; that he 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.


104. Mr. Minuti understands that he has a right to obtain counsel regarding this Stipulation and, that he is fully aware of the consequences of the Stipulation.
105. Mr. Minuti knowingly and intelligently waives his right to a hearing.

Respectfully submitted,

Dated: March 2, 2025


Matthew D. Minuti, Esquire
Respondent

Dated: 3-3 2025


Sara S. Greene, Esquire
Disciplinary Counsel

New Hampshire Supreme Court

Attorney Discipline Office

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Mark P. Cornell
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Elizabeth M. Murphy
Assistant Disciplinary Counsel

Andrea Q. Labonte
Assistant General Counsel

April 7, 2026

Sent Via Hand Delivery and Email

Jeanne Timmons, Administrative Assistant
New Hampshire Supreme Court
Professional Conduct Committee
4 Chenell Drive, Suite 102
Concord, New Hampshire 03301

Re: Minuti, Matthew D. advs. Attorney Discipline Office - #25-013

Dear Ms. Timmons:

Pursuant to Rule 37A(III)(aa)(3)(E)(i), the Attorney Discipline Office and Matthew D. Minuti, Esquire hereby consent to the conditional terms of the Order dated March 17, 2026 conditionally approving the parties' Stipulation in this Matter. The ADO has received Mr. Minuti's permission to sign this letter on his behalf.

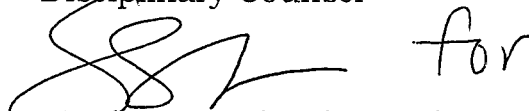
Mr. Minuti and Jill O'Neill have corrected the typo in the voluntary monitoring agreement. It now states that the monitoring period ends in October 2026. The corrected agreement is attached hereto. Finally, enclosed are wet signature pages for the Stipulation and Agreement to Pay Costs in this Matter.

Please let me know if you need any additional information.

Sincerely,



Sara S. Greene
Disciplinary Counsel



Matthew D. Minuti, Esquire
Respondent

SSG/ges
Enclosure

cc: Matthew D. Minuti, Esquire