IN RE: THOMAS P. GRODT

NO. BD-2011-105

S.J.C. Order of Term Suspension entered by Justice Gants on June 8, 2012.[1]

SUMMARY[2]

On September 6, 2011, the New Hampshire Supreme Court suspended the respondent, Thomas P. Grodt, for three years, retroactive to December 6, 2010, the date of a prior interim suspension. The circumstances resulting in the respondent's suspension were as follows.

In a prior disciplinary proceeding, the respondent agreed that he had neglected a lawsuit involving a construction dispute on behalf of two clients, resulting in the dismissal of the clients' claims and an attorneys' fee award against them. The respondent also initially knowingly misrepresented the handling of the case to the clients and to the New Hampshire Disciplinary Office. In mitigation, the respondent paid the attorneys' fee award and had been suffering from mental health issues that impacted his misconduct. The respondent agreed to a three-year suspension, stayed for three years on numerous conditions, and the court so ordered on June 28, 2010.

On December 6, 2010, the Attorney Discipline Office filed a petition for immediate interim suspension, alleging that the respondent had committed a material breach of the conditions of the stay. The court so ordered on that date. On September 6, 2011, upon disciplinary counsel's motion to impose the suspended three-year suspension, to which the respondent did not respond, the court imposed the three-year suspension, retroactive to December 6, 2010.

The respondent did not report the New Hampshire suspension to Massachusetts bar counsel, as required by S.J.C. Rule 4:01, § 16(6).

On October 11, 2011, bar counsel filed a petition for reciprocal discipline with the Supreme Judicial Court for Suffolk County. An order of notice issued on February 29, 2012, directing the lawyer to inform the Court within 30 days from service why the imposition of identical discipline would be unwarranted in Massachusetts. With no response received from the lawyer, a second order of notice issued directing him to appear before the Court on May 30, 2012. After a hearing, attended by assistant bar counsel but not the lawyer, on the Court (Gants, J.) issued an order on June 8, 2012, suspending the respondent for three years, effective immediately upon entry, with the respondent's reinstatement in Massachusetts subject to his reinstatement in New Hampshire. The order was not made retroactive to the date of the lawyer's New Hampshire interim suspension because he had failed to notify the bar counsel of that suspension, as required by S.J.C. Rule 4:01, § 16(6).

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[1] The complete Order of the Court is available by contacting the Clerk of the Supreme Judicial Court for Suffolk County.

[2] Compiled by the Board of Bar Overseers based on the record filed with the Supreme Judicial Court.