

**IN RE: ERNEST A. SOLOMON****NO. BD-2016-011****S.J.C. Order of Term Suspension entered by Justice Cordy on February 17, 2016.<sup>1</sup>****SUMMARY<sup>2</sup>**

The respondent represented two clients in New Hampshire charged with criminal offenses in two separate matters. He was not licensed to practice law in New Hampshire, and was, therefore, subject to N.H. Sup. Ct. R. 1.3(1) requiring a non-member of the bar to file a verified application to appear *pro hac vice* in the trial or hearing in any case. The relevant court rules required the respondent, among other things, to disclose whether he had been formally disciplined or sanctioned by any court in New Hampshire and whether any formal written disciplinary proceeding had been brought against him within the previous five years.

In April and July 2013, the respondent filed affidavits in support of applications to appear *pro hac vice* in the two cases. He intentionally failed to disclose that he had been sanctioned by a New Hampshire court and that, in August 2012, bar counsel in Massachusetts brought a petition for discipline against the respondent. A hearing in the disciplinary case occurred in February and March 2013. The courts granted the respondent's application in both cases.

After the court's allowance of the respondent's application in one of the matters, the state's attorney discovered that the respondent had failed to disclose the disciplinary proceeding in Massachusetts, among other things. The state's attorney filed a motion to reconsider the respondent's *pro hac vice* admission. After a hearing, the state's motion to reconsider was allowed and the respondent's permission to appear in the New Hampshire case was revoked.

By intentionally failing to comply with the New Hampshire court rules for *pro hac vice* admission in both matters, the respondent violated Mass. R. Prof. C. 3.3(a), 3.4(c) and 8.4(c). By forcing the state's attorney to seek out the information and file a motion to disqualify him as an attorney in the first matter, the respondent violated Mass. R. Prof. C. 8.4(d).

In aggravation, the respondent engaged in misconduct while disciplinary proceedings were pending. The pending proceedings also involved dishonest conduct. The respondent was suspended for fifteen months, and as a result, had a prior disciplinary history.

This matter came before the Board of Bar Overseers on the parties' stipulation of facts and an agreed recommendation of a suspension of six months, effective from the date his fifteen-month suspension would have expired, with the added condition that the respondent be required

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<sup>1</sup> The Complete Order of the Court is available by contacting the Clerk of the Supreme Judicial Court for Suffolk County.

<sup>2</sup> Compiled by the Board of Bar Overseers based on the record filed with the Supreme Judicial Court.

to apply for reinstatement. On December 14, 2015, the board voted to accept the parties' stipulation.

On February 17, 2016, the Court entered an order suspending the respondent for six months, retroactive to November 25, 2015, and requiring him to petition for reinstatement pursuant to S.J.C. Rule 4:01, §§(4) and (5).