



State of New Hampshire Guardian ad Litem Board

25 Capitol Street - Room 120, Concord, New Hampshire 03301
TDD Access: Relay NH 1-800-735-2964
Web site: www.nh.gov/gal

Phone: (603) 271-1199
Fax: (603) 271-6600
E-mail: gal.board@nh.gov

In the Matter of:
Nancy Tierney
Adjudicatory/Disciplinary Proceeding

Docket #10-18

DECISION AND ORDER

On June 1, 2011 the Guardian ad Litem Board (the Board) issued an order in the matter of Nancy Tierney for failing to notify one or more appointing courts of the discipline imposed upon her by the New Hampshire Supreme Court in an order dated May 24, 2010.

The Board found that extenuating circumstances existed pursuant to Gal 503.16(b)(12)(b) in that the N.H. Supreme Court sanction, including the mentor agreement, was well-suited to guide Ms. Tierney to full compliance with both the attorney Rules of Professional Conduct and the rules of the Board. It further concluded that a more harsh sanction would not increase the likelihood of Ms. Tierney's future compliance.

The Board ordered pursuant Gal 402.04, that Nancy Tierney's certification be suspended for one year, but that the Board's order of suspension is stayed for two years provided that no further disciplinary action is imposed upon Ms. Tierney.

The Board further ordered that the suspension would be lifted following the two-year stay provided that Ms. Tierney was not subject to further disciplinary action by the Attorney Discipline Office or any court.

The Board further ordered that if the Board received new complaints against Ms. Tierney during the period of the suspension would be processed by the Board on an expedited basis. In such case, the term of the suspension shall be extended pending the investigation and disposition of any charge associated with such complaint. Any final adjudication of a violation of the rules of the Guardian ad Litem Board arising out of such complaint shall provide the basis to impose any period of suspension that has been stayed on condition of Ms. Tierney's compliance with the rules of the Guardian ad Litem Board.

The Board further ordered that if it was notified by the Administrative Office of the Courts of any late reports being filed by Ms. Tierney pursuant to RSA 490:26-g, the stay may be lifted and the sanction of suspension imposed.

Since June 1, 2011 Ms. Tierney has not had any further founded complaints, late report filings or disciplinary actions.

IT IS THEREFORE ORDERED that the one year suspension imposed on June 1, 2011 be lifted and no further disciplinary actions imposed as Ms. Tierney did not violate any terms of the stay agreement.

IT IS FURTHER ORDERED that a copy of this order be delivered to the Administrative Office of the Courts, the Administrative Judges of the Superior, and Circuit Courts, and the Attorney Discipline Committee.

Appeals from orders of the Board may be taken pursuant to RSA 541. See RSA 490-C:8. Within 30 days of the date of this decision, the respondent may appeal by petition for a writ of certiorari to the New Hampshire Supreme Court. See RSA 541:6.

BY ORDER OF THE BOARD

DATE: June 1, 2013


Susan Duncan
Chairwoman

- cc: Russell Hilliard, Esq.
159 Middle Street Portsmouth, NH 03801
- Mary Beth Walz, Prosecutor
25 One Stack Drive Bow, NH 03304-4708
- Mike Brown, Assistant Attorney General, New Hampshire Department of Justice,
33 Capitol Street, Concord, New Hampshire 03301.
- Judge Edwin Kelly, Circuit Court
45 Chennell Drive Suite 2, Concord, NH 03302
- Judge Tina Nadeau, Superior Court
45 Chenell Drive, Suite 1 Concord, NH 03301
- Attorney Discipline Office, New Hampshire Supreme Court
4 Chenell Drive, Suite 102 Concord, NH 03301
- Attorney Don Goodnow, Administrative Office of the Courts
2 Charles Doe Drive, Concord, NH 03301