

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

ORDER

LD-2003-0002, In the Matter of James S. Clark-Dawe

On March 13, 2003, the Committee on Professional Conduct filed a petition seeking an order publicly censuring James S. Clark-Dawe, Esq., of Webster, New Hampshire. The respondent accepted service of the petition on or about March 22, 2003. He has not responded to it.

On June 17, 2003, the court referred this matter to a referee (Dickson, J.) "for a hearing and the filing of a written report with specific findings of fact and rulings of law as to the recommended sanction for the alleged violations of the rules of professional conduct."

The referee held a hearing on August 13, 2003. Although the respondent was sent notice of the hearing, he did not attend. The Committee on Professional Conduct appeared.

After the hearing, the referee determined that the respondent violated the following Rules of Professional Conduct and Supreme Court Rules:

1. Rules 1.1(a), 1.1(b)(5) and 1.1(c)(4) by failing to provide answers to interrogatories as required by superior court rules;
2. Rule 1.3(a) by failing to provide answers to interrogatories as required by superior court rules and by failing to file an answer in a petition in equity filed against his client;
3. Rule 1.4(a) by failing to have follow up contacts with his client with respect to his client's preparation of answers to interrogatories; and
4. Rule 8.4(a) by violating provisions of the Rules of Professional Conduct.

By order dated November 20, 2003, the referee's report was sent to both parties. The Committee on Professional Conduct has accepted the referee's report. The respondent has not responded to it.

Having reviewed the referee's findings and recommendations, the court concludes that further proceedings are unnecessary for the disposition of this case. The court accepts the referee's findings in this case, and concludes that the respondent's violations of the Rules of Professional Conduct justify public censure.

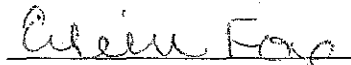
James S. Clark-Dawe is hereby publicly censured for violating Rules of Professional Conduct 1.1(a), 1.1(b)(5), 1.1(c)(4), 1.3(a), 1.4(a) and 8.4(a). He is ordered to notify the Committee of Professional Conduct on or before February 14, 2004, of any other jurisdictions in which he is licensed to practice law of the issuance of the court's order.

James S. Clark-Dawe is hereby assessed all expenses incurred by the Committee on Professional Conduct in the investigation and prosecution of this matter.

Broderick, C.J., and Nadeau, Dalianis and Duggan, JJ., concurred.

DATE: January 15, 2004

ATTEST:


Eileen Fox, Clerk

Distribution:

✓ James L. DeHart, Esquire
Margaret H. Nelson, Chair
Philip P. Bonafide, Esquire
James S. Clark-Dawe, Esquire
Honorable Robert B. Dickson
File