

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

ORDER

LD-2007-0004, In the Matter of Lester W. Firstenberger

On April 25, 2007, the Attorney Discipline Office filed a certified copy of the April 10, 2007 order of the Supreme Judicial Court for Suffolk County (Massachusetts), which suspended Attorney Lester W. Firstenberger from the practice of law in Massachusetts for a period of six months and one day.

In accordance with Supreme Court Rule 37(12)(b), the court ordered that a copy of the April 10, 2007 order be served on Attorney Firstenberger. It further ordered that Attorney Firstenberger and the Professional Conduct Committee (PCC) inform the court if either contended that the imposition of identical or substantially similar discipline would be unwarranted.

The PCC advised the court that it did not object to the imposition of identical or substantially similar discipline.

Attorney Firstenberger filed a response to the order in which he argued that the imposition of identical or substantially similar discipline would be unwarranted. He argued that the procedure followed by the Massachusetts Board of Bar Overseers Hearing Committee was so lacking in notice and opportunity to be heard that it constituted a deprivation of due process. We note that Attorney Firstenberger made this argument to the Supreme Judicial Court for Suffolk County, which rejected it. Justice Spina, acting as the Supreme Judicial Court for Suffolk County, ruled that the petition for discipline provided sufficient notice of the charge that was the basis for the imposition of discipline. We also note that Attorney Firstenberger requested that the Supreme Judicial Court for the Commonwealth of Massachusetts stay the suspension pending appeal, and that this request was denied by the court.

Rule 37(12)(d) provides for the imposition of reciprocal discipline by the court unless the respondent attorney or the PCC demonstrates, or the court finds, based on the face of the record from which the discipline is predicated, that: (1) the procedure followed by the jurisdiction imposing discipline was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process; (2) that the imposition of the same or substantially similar discipline by the court would result in grave injustice; or (3) that the misconduct established warrants substantially different discipline in New Hampshire. The court has reviewed the order of the Supreme Judicial Court for Suffolk County, and the response filed by Attorney Firstenberger. Attorney Firstenberger has not demonstrated, and the court does not find, that any of these conditions have been established.

Accordingly, as provided in Rule 37(12), Lester W. Firstenberger is hereby suspended from the practice of law in New Hampshire for a period of six months and one day. Any motion for reinstatement will be governed by Rule 37(14). Attorney Firstenberger is hereby assessed all expenses incurred by the Professional Conduct Committee in the investigation and prosecution of this matter. See Rule 37(19).

On or before July 12, 2007, the Attorney Discipline Office shall advise the court whether the appointment of an attorney is necessary to take possession of any client files or trust accounts.

Broderick, C.J., and Dalianis, Duggan, Galway and Hicks, JJ., concurred.

DATE: June 22, 2007

ATTEST:



Eileen Fox, Clerk

Distribution:

James L. DeHart, Esquire
Landya B. McCafferty, Esquire
Attorney Lester W. Firstenberger
File

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

In Case No. LD-2007-0004, In the Matter of Lester W. Firstenberger, the court on March 29, 2011, issued the following order:

Lester W. Firstenberger's motion for reinstatement is granted.

Dalianis, C.J., and Duggan, Hicks, Conboy and Lynn, JJ., concurred.

**Eileen Fox,
Clerk**

Distribution:

James L. DeHart, Esquire
Jennifer B. Sargent, Esquire ✓
Attorney Lester W. Firstenberger
Margaret H. Nelson, Chair
NH Bar Association
File