

New Hampshire Supreme Court  
**Professional Conduct Committee**

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*Jepson, Craig S. advs. Attorney Discipline Office # 06-023*

**PUBLIC CENSURE**

On November 21, 2006, the Professional Conduct Committee considered oral arguments in the above-referenced matter pursuant to New Hampshire Supreme Court Rule 37A(III)(d)(2)(B). James L. Kruse, Assistant Disciplinary Counsel appeared for the Attorney Discipline Office. Arpiar G. Saunders, Jr., Esquire, appeared for the Respondent, Craig S. Jepson. The Professional Conduct Committee Panel consisted of Margaret H. Nelson, Chair, Toni M. Gray, Vice Chair, Alan J. Cronheim, Gerald A. Daley, Thomas P. Connair, Ellen L. Arnold, James R. Martin, David N. Cole, Richard H. Darling, Gretchen Rule Hamel, and David N. Page. Benette Pizzimenti, Vice Chair, was absent.

The Professional Conduct Committee, upon consideration, granted the Assented to Motion to Permit Waiver of Service and Hearings Committee Process filed by the Attorney Discipline Office. Further, the Committee approved the Stipulation as to facts, rules violated, sanction and costs.

**I. FACTUAL FINDINGS**

The Professional Conduct Committee determined the record supports the following findings of facts as stipulated to by Respondent Craig S. Jepson, his counsel Arpiar G. Saunders, Jr., Esquire and Assistant Disciplinary Counsel James L. Kruse:

1. Respondent Craig S. Jepson is an attorney licensed to practice law in New Hampshire. He was admitted to the New Hampshire Bar on January 18, 2005. Since his admission, Mr. Jepson

has remained in good standing with respect to all financial obligations and continuing legal education requirements of the New Hampshire Bar. At all times material to this proceeding, Mr. Jepson worked full-time as a tenured professor of law at the Franklin Pierce Law Center in Concord, New Hampshire (“Pierce Law”).

2. The subject complaint is undertaken by the Attorney Discipline Office (“ADO”) based upon a report from members of the faculty of Pierce Law dated April 21, 2006

3. Mr. Jepson responded to the faculty report in his letters to the ADO dated May 18 and May 22, 2006

4. For the academic year 2005-2006, Mr. Jepson was appointed to serve on a faculty committee charged with assessing the performance and qualifications of Professor Chris Johnson in connection with Mr. Johnson’s application for tenure.

5. The process of reviewing the performance and qualifications of law professors at Pierce Law is an integral part of the Pierce Law program designed to produce well-educated, responsible, and competent attorneys.

6. Among other responsibilities as a member of the committee, Mr. Jepson was required to attend classes conducted by Mr. Johnson and to submit a report of his observations to the committee chair, Professor Kimberly Kirkland.

7. Mr. Jepson prepared and submitted a report to Ms. Kirkland describing his observations of Mr. Johnson’s Criminal Procedure classes of February 6 and 13, 2006. Mr. Jepson described the classes in detail, including the subjects covered, the nature of assignments, and students’ response. He offered one point of criticism, but was generally very complimentary of Mr. Johnson’s performance and qualifications.

8. The aforementioned report was a fabrication. Mr. Jepson had not attended any of Mr. Johnson’s classes. Further, in response to initial informal inquiries of other committee members, Mr. Jepson reiterated falsely that he had attended Mr. Johnson’s classes.

9. Once established by committee members that Mr. Jepson’s report was a fabrication, Mr. Jepson immediately admitted his misconduct and apologized to the entire faculty. In his message of April 6, 2006, he stated as follows: “That was stupid and willful, but please believe this: I meant no harm.”

10. Mr. Johnson was granted tenure by unanimous vote of the committee. Mr. Jepson’s misconduct did not prejudice Mr. Johnson’s candidacy.

11. Mr. Jepson has described his personal circumstances and his reasons for engaging in the subject conduct in his May 18, 2006, letter to the ADO, attached hereto as Exhibit A. Mr. Jepson further represents that he was familiar with the Mr. Johnson's teaching skills and believed he was well qualified for tenure.

12. Mr. Jepson has resigned from the faculty of Pierce Law. He has moved to Texas where he plans to reside and practice law.

## **II. RULINGS OF LAW**

Having found the above-listed facts by clear and convincing evidence, the Professional Conduct Committee concludes that there is clear and convincing evidence that Craig P. Jepson has violated the following Rules of Professional Conduct:

### Rule 8.4.(c) Misconduct

13. The allegations set forth above are incorporated by reference.

14. Mr. Jepson prepared and filed a false report to a committee at Pierce Law that was responsible for determining whether Mr. Johnson should be granted tenure as a professor at Pierce Law.

15. Mr. Jepson lied about attending classes of Mr. Johnson and making observations about his performance and credentials, knowing that his reported observations would be considered in conjunction with Mr. Johnson's application for tenure at Pierce Law.

16. Mr. Jepson's aforementioned actions were undertaken in response to his personal views regarding the tenure consideration process and other conditions and issues he perceived at Pierce Law.

17. Mr. Jepson's misconduct involved dishonesty and/or misrepresentation.

### Rule 8.4(a): General Rule

18. Because there exists clear and convincing evidence that Mr. Jepson engaged in misconduct as set forth above, there is necessarily clear and convincing evidence of a violation of New Hampshire Rules of Professional Conduct 8.4(a).

### **III. SANCTION**

Having made the afore-referenced findings and rulings, the Professional Conduct Committee concludes that the appropriate discipline in this matter is a Public Censure. This sanction is in accord with the purposes of attorney discipline as described by the New Hampshire Supreme Court, See, e.g. Feld's Case, 149 N.H. 19, 28 (2002). This sanction is also in accord with the ABA Center for Professional Responsibility, Standards for Imposing Lawyer Sanctions (1991), See, e.g. Shillen's Case, 149 N.H. 132, 139 (2003)(noting that, although the Court has never formally adopted these Standards, the Court has considered them when imposing sanctions).

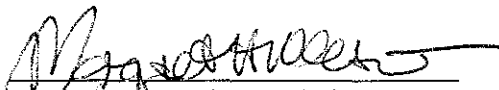
The Professional Conduct Committee considered the parties' analysis of the appropriate sanction which was submitted as part of the stipulation. The Committee considered that Mr. Jepson knowingly submitted a false report to the Tenure Committee. When questioned about this statement, he repeated the false information in a conversation with a Committee member. Only after being further questioned did he acknowledge his misstatement. Further, Mr. Jepson minimized his conduct in his initial response to the grievance which was filed in this matter. The stipulated record also reflects that Mr. Jepson has not been the subject of any prior complaints and, at this point, has demonstrated genuine remorse in connection with this matter. It should be noted that he also has resigned from the faculty of Franklin Pierce Law Center. Under these circumstances, the Professional Conduct Committee believes that a Public Censure is warranted in this case. The sanction appropriately addresses Mr. Jepson's acknowledged misconduct.

### **IV. CONCLUSION**

For the above reasons, the Professional Conduct Committee voted to issue a Public Censure to Mr. Jepson for violating New Hampshire Rules of Professional Conduct, Rules 8.4(c) and 8.4(a).

Mr. Jepson is assessed all costs associated with the investigation and prosecution of this matter. By signing the Stipulation, Mr. Jepson has waived his right to appeal this decision to the New Hampshire Supreme Court.

December 21, 2006

  
Margaret H. Nelson, Chair

Distribution:

James L. Kruse, Assistant Disciplinary Counsel  
Arpiar G. Saunders, Jr., Esquire  
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