

New Hampshire Supreme Court

Professional Conduct Committee

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Christine Desmarais-Gordon advs. Professional Conduct Committee #00-N-125

SIX-MONTH SUSPENSION

On December 14, 2004, the Professional Conduct Committee considered the above-referenced matter. The Committee reviewed the Notice of Charges, the pleadings of the parties, the Stipulation dated June 28, 2004, the exhibits submitted to the Hearing Panel, the transcript of the hearing dated July 29, 2004 and the Hearing Panel Report dated September 13, 2004. Attorney Russell F. Hilliard appeared on behalf of the Respondent and Attorney Landya B. McCafferty, Disciplinary Counsel appeared on behalf of the Attorney Discipline Office.

The Professional Conduct Committee members that heard this matter included, Benette Pizzimenti, Vice Chair, Alan J. Cronheim, Morgan A. Hollis, James R. Martin, Richard B. McNamara, David N. Page and Stephen B. Stepanek. Margaret H. Nelson and Toni Gray were recused from the matter; David Cole was absent. The Professional Conduct Committee determined that the record supports the following Findings of Fact and Rulings of Law.

I. FINDINGS OF FACT

1. By letter dated August 25, 2000, Associate Superior Court Justice Edward J. Fitzgerald, III, forwarded to the Professional Conduct Committee a copy of a transcript of a hearing on July 19, 2000, in the matter of Karen S. Dexter v. Lynn Turgeon, Hillsborough County Superior Court, Southern District, #99-C-415 (hereinafter referred to as "Turgeon case"), over which he presided.
2. Christine Desmarais-Gordon represented the defendant, Ms. Turgeon, in the Turgeon case. Attorney Darlene M. Daniele represented the plaintiff, Karen S. Dexter. The lawsuit was a personal injury action stemming from a 1998 car accident.
3. In his letter, Judge Fitzgerald informed the Committee that, at the July 19, 2000

hearing, Ms. Daniele accused Ms. Desmarais-Gordon of altering medical release forms forwarded to Ms. Desmarais-Gordon by Ms. Daniele in the Turgeon case, and that Ms. Desmarais-Gordon admitted doing so.

4. In a letter dated August 29, 2000, the Committee informed Ms. Desmarais-Gordon that it had docketed a Committee generated complaint against her based on Judge Fitzgerald's September 25, 2000, letter.
5. In a letter to the Committee dated September 29, 2000, Ms. Daniele made allegations of professional misconduct against Ms. Desmarais-Gordon. With that letter, Ms. Daniele enclosed a letter of complaint from Ms. Dexter dated September 29, 2000, with certain attachments.
6. On October 25, 2000, the Committee forwarded to Ms. Desmarais-Gordon a copy of Ms. Daniele's letter, as well as Ms. Dexter's letter and attachments, which were joined in the complaint docketed against Ms. Desmarais-Gordon on September 25, 2000.

Events Leading up to July 19, 2000 Hearing

7. On October 29, 1999, Ms. Desmarais-Gordon forwarded a set of interrogatories on her client's behalf to Ms. Dexter. Jointly Submitted Exhibits, Exhibit 11.
8. The interrogatories specifically sought Ms. Dexter's health history for the ten years prior to the automobile accident that was the subject of the lawsuit (interrogatory #31), her family physician for the last fifteen years (interrogatory #32), and all injuries, illnesses, or disability she claimed to have suffered as a result of the accident, as well as all medical treatment and medical providers performing such treatment (interrogatories #33 and #34). Jointly Submitted Exhibits, Exhibit 1.
9. Ms. Dexter did not timely answer those interrogatories, but Ms. Desmarais-Gordon agreed to extend the deadline to December 14, 1999.
10. On February 9, 2000, Ms. Desmarais-Gordon filed a Motion for Conditional Default because of Ms. Dexter's failure to answer the interrogatories.
11. On February 18, 2000, Ms. Dexter forwarded the answers to the interrogatories. Jointly Submitted Exhibits, Exhibit 2. Ms. Dexter's answer did not include a list of

1 The citations in this report are to the exhibits jointly submitted to the Hearing Panel which appear in the Index of the Record of this case at Number 30. All page number references are to the Bates stamped numbers located on the bottom right corner of each page.

her medical care providers as requested by the interrogatories.

12. In response to interrogatory #31, which questioned Ms. Dexter about her health history, Ms. Dexter disclosed a hysterectomy in 1996 performed by Dr. Bass at Saint's Memorial Medical Center in Lowell, Massachusetts.
13. In response to interrogatory #34, which sought all medical treatment and medical care providers, Ms. Dexter submitted to Ms. Desmarais-Gordon a total of eight signed "limited medical authorizations" permitting Ms. Desmarais-Gordon's law firm, Wadleigh, Starr & Peters, PLLC, to obtain certain of her medical records. These medical releases authorized Ms. Desmarais-Gordon's firm to obtain records from the following physician and seven medical care facilities: Dr. N. Ross Jenkins, Merrimack Valley MRI, Southern NH Medical Center, Merrimack Valley Chiropractic, Lowell General Hospital, Northeast Rehabilitation Center, Saint's Memorial Medical Center, and Holy Family Hospital. Jointly Submitted Exhibits, Exhibit 9, pp. 034-041 (attachments to Plaintiff's Motion for A Protective Order).
14. Ms. Dexter, or someone on her behalf, typed the name of the medical provider at the top of each "limited medical authorization" form. Each form contained Ms. Dexter's signature, and that of a witness, as well as Ms. Dexter's address and date of birth. Each form was dated February 18, 2000. *Id.*
15. At some point prior to April 13, 2000, Ms. Desmarais-Gordon instructed her secretary to alter six of the seven medical releases previously sent to Ms. Desmarais-Gordon. (The original releases are located within Jointly Submitted Exhibits, Exhibit 9, pp. 034-041.) Per Ms. Desmarais-Gordon's instructions, her secretary whited-out the provider name on six of the releases and substituted the following provider names: Drs. Harold Bass, Peter Gorlin, Eric Holstein, David Morely, Jr., Panos Panagakos, and Merrimack Valley Health Services, Inc. (The altered releases are located within Jointly Submitted Exhibits, Exhibit 4 at pages 93, 95, 106, 111, 116, 108, respectively.)
16. Ms. Desmarais-Gordon then instructed her paralegal, Cynthia M. Blaine, to forward the six altered releases to the newly designated providers. Ms. Blaine or other firm staff complied with this request. The cover letters enclosing the altered releases are dated April 13, 2000. (These cover letters are located within Jointly Submitted Exhibits, Exhibit 4 at pages 92, 94, 100, 110, 115, 107, respectively.)
17. The cover letters stated, inter alia, "Enclosed please find an executed medical authorization for the release of any and all medical records and report[s], office notes, and reports. . . which you have concerning Mrs. Dexter." The cover letter contained the following underlined sentence: "This authorization releases your entire file, including not only records and reports authored by you and/or your office, but also records and reports authored by other medical care providers and facilities." Jointly

Submitted Exhibits, Exhibit 4.

18. On May 5, 2000, Ms. Desmarais-Gordon received another set of "limited medical authorizations" for the same medical providers listed in paragraph 13. Jointly Submitted Exhibits, Exhibit 5.
19. By letter dated May 11, 2000, to Ms. Daniele, Ms. Desmarais-Gordon informed Ms. Daniele that she was "rejecting" the "limited medical authorizations." Jointly Submitted Exhibits, Exhibit 6. In that letter, Ms. Desmarais-Gordon expressed concern that the authorizations were improperly limited to the date of the accident going forward without allowing access for Ms. Dexter's medical history prior to the motor vehicle accident, particularly in light of the fact that Ms. Dexter had been involved in a motor vehicle accident and sustained physical injuries prior to the accident involving Ms. Turgeon. It was for this reason that Ms. Desmarais-Gordon rejected the "limited medical authorizations" contained in Ms. Daniele's May 5, 2000 letter, and, with her May 11, 2000 letter, forwarded to Ms. Daniele another set of authorizations routinely used by Ms. Desmarais-Gordon's office.
20. On May 17, 2000, Ms. Desmarais-Gordon forwarded to Ms. Daniele a complete copy of all medical records Ms. Desmarais-Gordon had received as of that date "through the use of authorizations," including records from Merrimack Valley Health Services, Inc. Jointly Submitted Exhibits, Exhibit 7.
21. On or about May 22, 2000, Ms. Dexter received a telephone call from the office of her gynecologist, Dr. Bass. A member of Dr. Bass's staff telephoned Ms. Dexter to inform her that Dr. Bass had received a request for medical records from Ms. Desmarais-Gordon, and that Ms. Desmarais-Gordon had sent to Dr. Bass a medical release form signed by Ms. Dexter.
22. Ms. Dexter then inquired with Ms. Daniele's office about the release to Dr. Bass. Ms. Daniele's office reviewed the file and confirmed that no release for Dr. Bass was ever sent to Ms. Desmarais-Gordon.
23. Ms. Daniele's office obtained a copy of the purported release from Dr. Bass's office. The release form Ms. Desmarais-Gordon sent to Dr. Bass contained Ms. Dexter's signature, but the section of the form containing the physician's name had been altered.
24. Ms. Daniele's office believed that Ms. Desmarais-Gordon had also altered a second authorization so that Ms. Desmarais-Gordon could obtain records from Merrimack Valley Health Services, Inc.
25. Upon learning this information, on May 26, 2000, Ms. Daniele telefaxed Ms. Desmarais-Gordon a letter objecting to Ms. Desmarais-Gordon's misuse of the

releases. Jointly Submitted Exhibits, Exhibit 8. With that telefax, Ms. Daniele also enclosed a copy of Plaintiff's Motion for a Protective Order, which Ms. Daniele indicated would be filed on that date. Jointly Submitted Exhibits, Exhibit 9.

26. In her May 26, 2000 letter to Ms. Desmarais-Gordon, Ms. Daniele wrote, "[I]t has come to my attention that your office has altered and otherwise misused the limited authorizations which you now claim to reject." In that letter, Ms. Daniele specifically mentioned Dr. Bass and Merrimack Valley Health Services as two authorizations which Ms. Desmarais-Gordon altered. She further stated, "I have no way of knowing if your office has obtained and/or requested other records using altered authorizations." Jointly Submitted Exhibits, Exhibit 8.
27. Plaintiff's Motion for a Protective Order requested six specific prayers for relief:
 - A. Order the defendant's attorney to cease and desist misusing the limited medical authorizations provided by plaintiff to obtain medical records to which defendant is not entitled;
 - B. Order that the defendant's attorney disclose and produce all requests for medical records (whether or not records were obtained) made to date by defendant's attorneys or their agents and/or employees;
 - C. Order that defendant's attorney barred from using the records obtained by the alteration of the "limited medical authorizations" (i.e., Merrimack Valley Health Services, Inc. and Dr. Bass) in its case evaluation, case preparation and records review or patient evaluation by defendant's experts or as evidence as trial;
 - D. Impose sanctions against the defendant's counsel; and award the plaintiff damages, attorney's fees and reasonable costs incurred in the preparation, filing, and hearing of the plaintiff's Motion for Protective Order;
 - E. Issue a Protective Order protecting plaintiff's right to privacy and freedom from unjustified harassment or impertinent intrusion;
 - F. Grant whatever other relief as this Court deems proper and appropriate. Jointly Submitted Exhibits, Exhibit 9.
28. After receiving her May 26, 2000 telefax, Ms. Desmarais-Gordon spoke with Ms. Daniele on the telephone. Ms. Desmarais-Gordon admitted to Ms. Daniele that she had instructed someone in her office to alter these release forms by changing the name of the physician/facility to whom the release was directed.
29. At no time prior to the hearing on the Motion for a Protective Order did Ms.

Desmarais-Gordon inform Ms. Daniele that, in addition to the two releases that were the subject of both her letter and her Motion for a Protective Order, Ms. Desmarais-Gordon had altered four other releases.

30. Approximately one week after Ms. Daniele filed the Motion for Protective Order, Ms. Desmarais-Gordon's law firm received records pursuant to one of the four other altered releases (as yet unknown to Ms. Daniele) from Dr. Eric Holstein. Prior to the hearing on the Motion for Protective Order, Ms. Daniele was not aware that Ms. Desmarais-Gordon's firm had received anything from Dr. Holstein.
31. On June 7, 2000, Ms. Desmarais-Gordon and her co-counsel in the case, Attorney James C. Wheat, filed Defendant Lynn Turgeon's Objection to Plaintiff's Motion for Protective Order. Jointly Submitted Exhibits, Exhibit 10. In that motion, Ms. Desmarais-Gordon argued, "If anything, it is the plaintiff's own conduct, a failure to properly answer interrogatories and refusal to cooperate with defense counsel's request for other authorizations, that has caused this whole issue to arise." Jointly Submitted Exhibits, Exhibit 10, page 064, at ¶13.
32. Ms. Desmarais-Gordon concluded the motion by suggesting to the Court that it not only deny the Protective Order but "order attorney's fees against the plaintiff for filing what clearly constitutes a frivolous motion, given that the plaintiff has asserted no valid legal or equitable reason why the defense was not entitled to this medical information." Jointly Submitted Exhibits, Exhibit 10, page 065, at ¶14.
33. In a letter to Ms. Daniele dated June 7, 2000, Ms. Desmarais-Gordon, with Attorney Wheat, asked whether Ms. Dexter was "willing to voluntarily provide medical authorizations" for certain doctors, including Drs. Peter Gorlin, Eric Holstein, David Moreley, Jr., and Panos Panagakos. Jointly Submitted Exhibits, Exhibit 11. Ms. Desmarais-Gordon did not disclose in this letter that she had previously forwarded to these doctors altered releases in an attempt to obtain the records without Ms. Dexter's prior authorization.

The July 19, 2000 Hearing on Motion for Protective Order

34. A hearing on the Plaintiff's Motion for a Protective Order took place on July 19, 2000, before Judge Fitzgerald in Hillsborough County Superior Court. Jointly Submitted Exhibits, Exhibit 16.
35. Ms. Daniele first addressed the Court. In her remarks, Ms. Daniele specifically referenced the two alterations, Dr. Bass and Merrimack Valley Health Services, Inc., as follows:

Attorney Gordon admitted to me that she had instructed her staff to alter the medical records request, not only for Dr. Bass but for another provider,

Merrimack Health Services.

Jointly Submitted Exhibits, Exhibit 16, at p. 005.

36. Ms. Desmarais-Gordon then addressed the Court. Ms. Desmarais-Gordon stated:

I do admit, Your Honor, that I used poor judgment, and that I did in fact — I don't have a specific recollection of it, but I do understand that I most likely asked my secretary to white out the names on the medical care providers for the authorizations that had been given to us. And that was solely on a fit, if you will, of frustration, Your Honor. I realize in retrospect that it wasn't the right thing to do.

Jointly Submitted Exhibits, Exhibit 16, at pp. 008-009

37. Although Ms. Desmarais-Gordon admitted during the hearing that she had asked her secretary to alter the two releases in question, at no time did she inform either the Court or Opposing counsel she had actually directed her secretary to alter a total of six releases.

Events Following the July 19, 2000 Hearing

38. On July 21, 2000, the Court granted Plaintiff's Motion for a Protective Order and ordered Ms. Desmarais-Gordon to pay Ms. Daniele's attorney's fees and costs "associated with the filing of her motion for a protective order." Jointly Submitted Exhibits, Exhibit 17.
39. In a letter dated July 26, 2000, Ms. Desmarais-Gordon provided information to Ms. Daniele in accordance with the Court's Order granting the Motion for Protective Order. Jointly Submitted Exhibits, Exhibit 18. Ms. Desmarais-Gordon listed a total of six releases that she had altered. In addition to Dr. Bass and Merrimack Valley Health Services, Inc., Ms. Desmarais-Gordon listed Drs. Peter Gorlin, Eric Holstein, David Morely Jr., and Panos Panagakos. See id.
40. In a letter to Ms. Desmarais-Gordon dated August 9, 2000, Ms. Daniele wrote, "I understood from your argument at the hearing on Plaintiff's Motion for Protective Order that you had only requested medical records from Merrimack Valley Health Services, Inc. and Dr. Harold Bass using the altered authorizations." Jointly Submitted Exhibits, Exhibit 20.
41. In a letter dated August 14, 2000, Ms. Desmarais-Gordon responded, "Finally, I do not believe that I ever represented to the Court that I had only requested records from Merrimack Valley Health Services or Dr. Harold Bass." Jointly Submitted Exhibits, Exhibit 21.

42. In a letter dated August 21, 2000, Ms. Daniele wrote:

[I]n response to your statement that you do not believe that you had represented to the Court that you had only requested records from Merrimack Valley Health Services or Dr. Harold Bass, this is patently untrue.... Your representations to the Court were, at best, incomplete, leading both my office and the Court to believe that you had only used two (2) altered authorizations. Jointly Submitted Exhibits, Exhibit 22.

43. In a letter dated August 29, 2000, Ms. Desmarais-Gordon wrote:

I am writing to respond to your August 21, 2000 letter regarding your concerns about my representations to the court at the time of hearing on the Motion for Protective Order. You have alleged, in that letter, that I misrepresented to the court that I only requested records from Merrimack Valley Health Services or Dr. Harold Bass. I refer your attention to paragraph 9 of my Objection to your Motion for Protective Order. In paragraph 9, I did disclose to the court that I had sent "authorizations to some of the other medical care providers discovered from the medical records already received." I did not assert in the Objection that I had only set [sic] requests to Dr. Bass or Merrimack Valley Health Services. See also paragraph 6 of the Motion. In addition, in your prayer for relief, you sought to compel me to disclose and produce all requests for medical records made by my office, our agents and employees. I did not believe I was under any obligation to do so unless directly asked by or ordered by the Court. After the court granted your Motion, I disclosed that very information to you in my letter of July 26, 2000... .

Jointly Submitted Exhibits, Exhibit 23.

II. RULINGS OF LAW

Rule 3.3(a)(1) and (3) – Candor Toward the Tribunal

44. Ms. Daniele, in her motion for a protective order, asked that Ms. Desmarais-Gordon be ordered to disclose and produce all altered requests for medical records.
45. In an Objection to this Motion prepared by Ms. Desmarais-Gordon, it was admitted that she altered certain medical releases and sent altered medical releases to some medical providers.
46. The transcript of the July 19, 2000 hearing does not establish that Ms. Desmarais-Gordon made affirmative misrepresentations regarding the actual number of altered releases used. Neither Ms. Daniele nor Judge Fitzgerald ever directly inquired as to

how many altered releases were sent. In addition, Ms. Desmarais-Gordon never stated orally or by pleading that only two altered releases were sent to medical providers.

47. Disciplinary Counsel argues that Ms. Desmarais-Gordon, by failing to reference the four undisclosed altered releases misled the Court by omission.
48. While there are circumstances where failure to make a disclosure is the equivalent of an affirmative misrepresentation, based on the record in this case and the language of Rule 3.3(a), there is insufficient evidence to support a finding by clear and convincing evidence that Ms. Demarais-Gordon violated this Rule during the July 19, 2000 hearing.

Rule 4.1(a) - False Statements to Third Persons

49. By instructing her paralegal or other firm staff to forward the six altered medical release forms with a cover letter falsely informing each medical provider that Ms. Dexter had authorized the provider to release records to Ms. Desmarais-Gordon, Ms. Desmarais-Gordon knowingly made a false statement of material fact to each provider.
50. There is clear and convincing evidence that Ms. Desmarais-Gordon's conduct in this regard constitutes a violation of New Hampshire Rules of Professional Conduct, Rule 4.1(a).

Rule 4.4 – Respect for Rights of Third Persons

51. Ms. Dexter had a legal right to maintain the privacy of her medical records. In order to proceed with her legal case, she may have been required to waive that privacy right, however, this was a decision for her to make.
52. Ms. Desmarais-Gordon could have obtained the medical records in question either by Ms. Dexter authorizing their release or by properly obtaining a Court Order requiring their release as a condition of Ms. Dexter going forward with her civil suit.
53. Ms. Desmarais-Gordon, by altering the limited medical releases and falsely representing that Ms. Dexter authorized the release of her records, violated Ms. Dexter's legal privacy rights.
54. There is clear and convincing evidence that Ms. Desmarais-Gordon's conduct in this regard constitutes a violation of New Hampshire Rules of Professional Conduct, Rule 4.4.

Rule 5.3(b) - Supervisory Lawyer's Obligations

55. Ms. Desmarais-Gordon exercised direct supervisory authority over both her secretary who, at her instruction, altered the releases and her paralegal or other firm staff who, at her instruction, signed the cover letters to the six providers.
56. Not only did Ms. Desmarais-Gordon fail to make reasonable efforts to ensure that her paralegal's and secretary's conduct was compatible with her professional obligations, she instructed them to engage in conduct that directly contravened her professional obligations.
57. There is clear and convincing evidence that Ms. Desmarais-Gordon's conduct in this regard constitutes a violation of New Hampshire Rules of Professional Conduct, Rule 5.3(b).

Rule 8.4(c) - Misconduct Involving Dishonesty, Fraud, Deceit and Misrepresentation

58. By instructing her paralegal or other firm's staff to forward the six altered medical release forms with a cover letter falsely informing each medical provider that Ms. Dexter had authorized the provider to release records to Ms. Desmarais-Gordon and by doing this for the purpose of obtaining these records, Ms. Desmarais-Gordon knowingly engaged in conduct involving dishonesty, fraud, deceit and misrepresentation. See, Carpenito's Case, 139 N.H. 168, 174 (1994).
59. The evidence is clear and convincing that Ms. Desmarais-Gordon's conduct in this regard violated New Hampshire Rules of Professional Conduct, Rule 8.4(c).

Rules 8.4(a) - Violation of Rules

60. Because there exists clear and convincing evidence that Ms. Desmarais-Gordon violated the above rules, there is necessarily clear and convincing evidence of a violation of New Hampshire Rules of Professional Conduct, Rule 8.4(a).

III. SANCTION

It is critical that the public have confidence in the integrity of those practicing law. Every lawyer has the basic and fundamental responsibility to act forthrightly and to avoid misrepresentation and deceit.

In this case, respondent, by altering medical releases, violated that duty and violated the privacy rights of Ms. Dexter.

In determining a sanction in this case, we look at not only the rules that were violated but also look at

how Ms. Desmarais-Gordon dealt with her admitted misjudgments. At the point when Ms. Dexter's counsel learned that two releases had been altered, respondent declined to disclose that four other releases had also been altered. Instead, she chose to blame her adversary and even sought legal fees against Ms. Dexter in the face of her own misconduct.

A further aggravating factor in this case is that the Dexter litigation is not the only instance in which Ms. Desmarais-Gordon sought records by altering signed releases. In the Laro case, respondent altered a release for employment records when acting as counsel for the City of Franklin. Jointly Submitted Exhibits, Exhibit 32. The Committee recognizes that Ms. Desmarais-Gordon chose to disclose this information to Disciplinary Counsel but also notes that it was apparently done after she had represented that she had never altered documents in any other cases.

The Committee recognizes that there are mitigating factors in this case as well. Ms. Desmarais-Gordon has no prior disciplinary record, she made efforts to cooperate with the disciplinary investigation and these events occurred during a difficult period in her life.

Having made the above Findings of Fact and Rulings of Law, the Committee believes a suspension is appropriate based on respondent's intentional and calculated conduct. The respondent is therefore suspended from the practice of law for a period of six months and directed to reimburse the Committee for its expenses in investigating and prosecuting this case. New Hampshire Supreme Court Rule 37(3). The suspension shall take effect on March 1, 2005. The sanction is in accord with the purposes of attorney discipline as described by the New Hampshire Supreme Court. *See, Feld's Case*, 149 N.H. 19, 28 (2002). This case 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).

To the extent that respondent has not filed withdrawals in pending cases by March 1, 2005 or has not arranged for substitute counsel for her clients by that date, she shall notify by registered or certified mail, return receipt requested each client who is involved in litigated matters or administrative proceedings and the attorney or attorneys for each adverse party in such matters or proceedings of her suspension and consequent inability to act as an attorney as of the suspension date. The notice to be given to her clients shall advise that alternate counsel should be promptly obtained. Supreme Court Rule 37(13).

The respondent shall be reinstated on September 1, 2005 without further hearing before this Committee on condition that she provide the Committee with verification that she has successfully completed the multistate professional responsibility examination after the date of this Order and has complied with all terms of the Order. Supreme Court Rule 37(3)(14).


IV. CONCLUSION

For all of the above reasons, the Professional Conduct Committee suspends Christine Desmarais-

Gordon from the practice of law for a period of six months for violating the New Hampshire Rules of Professional Conduct 4.1(a), 4.4, 5.3(b), 8.4(a) and 8.4(c). This Order shall take effect on March 1, 2005 unless respondent files a timely appeal in the New Hampshire Supreme Court.

Respectfully submitted,

January 21, 2005


Benette Pizzimenti, Vice Chair

Distribution:

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THE STATE OF NEW HAMPSHIRE

SUPREME COURT

ORDER

LD-2005-0005, In the Matter of Christine Desmarais-Gordon

By amended order dated January 28, 2005, Christine Desmarais-Gordon was suspended by the Professional Conduct Committee for six months. The period of suspension commenced on February 1, 2005, and expired on August 1, 2005. On August 1, 2005, Ms. Desmarais-Gordon filed a motion for reinstatement in which she states that she has fully complied with the requirements of the suspension order, has reimbursed the committee for its expenses in investigating and prosecuting this case, and has satisfactorily completed the Multistate Professional Responsibility Examination as required by Rule 37(14)(e). The Professional Conduct Committee does not object to the motion for reinstatement. Ms. Desmarais-Gordon's motion for reinstatement to the practice of law in New Hampshire is granted.

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

DATE: August 4, 2005

ATTEST:



Eileen Fox, Clerk
Supreme Court of New Hampshire

Distribution:

James L. DeHart, Esquire
Russell F. Hilliard, Esquire
NH Bar Association
Irene Dalbec, Supreme Court
Debbie Bills, Supreme Court
File