

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

ORDER

LD-2003-0005, In the Matter of George A. Fairbanks, III, Esquire

The Committee on Professional Conduct (PCC) filed a petition for reciprocal discipline of Attorney George A. Fairbanks, III on September 3, 2003. See Rule 37(12). It alleged that it had received a certified copy of a judgment of disbarment dated December 18, 2001, by the Massachusetts Supreme Judicial Court.

The court has attempted to serve the petition upon the respondent on numerous occasions. It has not been successful.

On September 8, 2003, the court ordered that the petition be served upon the respondent at his last known address by certified mail, return receipt requested, restricted delivery. The September 8 order was returned to the court as "undeliverable."

On September 18, the court sent the petition to a new address for the respondent. This order was returned to the court on October 14, 2003; it was marked "unclaimed."

On October 21, 2003, the court ordered that the petition be served upon the respondent by in hand or abode service. The sheriff of the respondent's county of residence was unable to find the respondent after a diligent search.

Because all previous efforts to serve the respondent were unsuccessful, on November 24, 2003, the court ordered that notice to the respondent of the petition be published in the New Hampshire Bar News and the Manchester Union Leader. The respondent was ordered to file a response to the petition within thirty (30) days of the publication of this notice in any one of these two publications. The last publication date was December 19, 2003. To date, the respondent has not responded to the petition.

An attorney is obligated to inform the New Hampshire Bar Association of all changes in the address of the attorney's residence and principal office. See Rule 42(9). The respondent has failed to do so, and without knowledge of his whereabouts, despite investigation, the court rules that the notice of the hearing provided to the respondent at his last known mailing address is sufficient notice. See Edward Nash & Sons, Inc. v. Starbird, 132 N.H. 773 (1990).

Having reviewed the PCC's petition, the court concludes that further proceedings are unnecessary for the disposition of this case. See Rule 37(12)(d). We conclude that the misconduct in which the Massachusetts Supreme Judicial Court found that Attorney Fairbanks engaged justifies disbarment. See *id.*

THEREFORE, George A. Fairbanks, III is hereby disbarred from the practice of law in New Hampshire. He is ordered to notify the PCC of any other jurisdictions in which he is licensed to practice law of the issuance of the court's order. He is further ordered to disclose to the court within ten (10) days of his receipt of this order regarding whether he is representing any New Hampshire clients in any pending matters, including litigated matters and administrative proceedings, and whether he maintains any trust accounts in New Hampshire.

George A. Fairbanks, III is hereby assessed all expenses incurred by the PCC in the investigation and prosecution of this matter.

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

DATE: February 13, 2004

ATTEST:



Eileen Fox, Clerk

Distribution:

Margaret H. Nelson, Chair
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George A. Fairbanks, III, Esquire
NH Bar Association
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