

**THE STATE OF NEW HAMPSHIRE**

**SUPREME COURT**

**In Case No. LD-2006-0005, In the Matter of Henry Lebensbaum, the court on September 28, 2006, issued the following order:**

On April 28, 2006, the Professional Conduct Committee submitted a request from Attorney Henry Lebensbaum to resign in accordance with Rule 37(11), along with the committee's recommendation that the resignation be accepted. The committee's request was accompanied by an affidavit of Attorney Lebensbaum, which was supplemented by an additional affidavit filed on June 14, 2006.

The court has reviewed the affidavits of Attorney Lebensbaum and the recommendation of the Professional Conduct Committee. In accordance with Rule 37(11), Attorney Lebensbaum's resignation from the bar is accepted.

Attorney Lebensbaum has also filed a pleading in which he agrees that, if his resignation is accepted, this file, including his affidavits, will be available for public review. Accordingly, the contents of this file shall be available for public review.

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

**Eileen Fox,  
Clerk**

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Margaret H. Nelson, Chair  
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File

**THE STATE OF NEW HAMPSHIRE**

**SUPREME COURT**

**In Case No. LD-2006-0005, In the Matter of Henry Lebensbaum, the court on July 24, 2006, issued the following order:**

On April 28, 2006, the Professional Conduct Committee submitted a request from Attorney Henry Lebensbaum to resign in accordance with Rule 37(11), along with the committee's recommendation that the resignation be accepted. Because the affidavit of Attorney Lebensbaum did not comply with the requirements of Rule 37(11), the court issued an order allowing Attorney Lebensbaum to file a supplemental affidavit which complied with the rule. On June 14, Attorney Lebensbaum filed a supplemental affidavit.

Rule 37(11)(c) provides that "the contents of affidavit of an attorney filed in support of his or her resignation from the bar shall not be disclosed publicly or made available for use in any other proceeding except on order of the court." In light of the nature of the allegations of misconduct and the proceeding before the Massachusetts Board of Bar Overseers and the Supreme Judicial Court, the court believes that it would not be appropriate to seal the request of the Professional Conduct Committee or the affidavits of Attorney Lebensbaum. The court is disposed to grant Attorney Lebensbaum's request to resign only on the condition that he agrees that this file will be available for public review. On or before August 14, 2006, Attorney Lebensbaum shall advise the court whether he agrees that, if his resignation is accepted, the contents of this file, including his affidavits, will be available for public review.

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

**Eileen Fox,  
Clerk**

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