

New Hampshire Supreme Court

Professional Conduct Committee

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Clark, Grenville III advs. Neil Lanteigne #08-015

**REISSUED RECOMMENDATION TO PETITION SUPREME COURT
FOR TWO YEAR SUSPENSION (WITH PAGE NUMBERING)**

On August 18, 2009, the Professional Conduct Committee (“Committee”) heard oral argument in the above-referenced matter. Landya B. McCafferty, Disciplinary Counsel, appeared for the Attorney Discipline Office. The Respondent, Grenville Clark, III, appeared on his own behalf. Neil Lanteigne also was in attendance.

The following Committee members were present: Margaret H. Nelson, Chair, Benette Pizzimenti, Vice Chair, Toni M. Gray, Vice Chair, David N. Cole (via telephone), Alan J. Cronheim, Gerald A. Daley, Gretchen Rule Hamel, and James R. Martin. Thomas P. Connair, Richard H. Darling, and Susan Chollet were absent. Jennifer L. Parent was recused.

Subsequent to oral argument, and having reviewed the record, including the Notice of Charges, Respondent’s Answer, Disciplinary Counsel’s Exhibits 1 through 17, Respondent’s Additional Exhibits 18 and 19, Parties’ Stipulation of Facts, Parties’ Stipulated Time Line, Disciplinary Record of Grenville Clark, III, Attorney Lawrence Vogelmann’s May 5, 2009 letter, Attorney Russell Hilliard’s May 12, 2009 letter, Arthur G. Green’s May 28, 2008 letter, Hearing Panel Report, and the Transcript of the May 15, 2009 hearing, the Committee made the findings and rulings as detailed below.

I. FACTUAL FINDINGS

The Committee determined that the following factual findings, as described by the Hearing Panel, were established by clear and convincing evidence:

1. Grenville Clark, III is an attorney licensed to practice law in New Hampshire. Mr. Clark was admitted to practice in 1971. At all times material to this proceeding, Mr. Clark operated his law office as Gray, Wendell & Clark, P.C., 650 Elm Street, Suite 303, Manchester, New Hampshire 03101-2551. Prior to June 2007, Mr. Clark operated his law office out of Suite 504 at the above address.
2. The Complainant, Neil D. Lanteigne, was diagnosed as permanently and totally disabled, and the payment of his student loan obligations was causing him hardship. Mr. Lanteigne's bankruptcy complaint at 6, drafted by Mr. Clark states: "At the time of the filing of his bankruptcy petition on November 20, 2006, the plaintiff was totally and permanently disabled because he was afflicted with paranoid schizophrenia."
3. On or about October 20, 2006, Mr. Lanteigne received Mr. Clark's name from the New Hampshire Pro Bono Lawyer Referral Program. Mr. Lanteigne retained Mr. Clark, to represent him in bankruptcy on a Pro Bono basis.
4. On November 20, 2006, Mr. Clark filed on Mr. Lanteigne's behalf a Voluntary Chapter 7 Bankruptcy Petition (#06-1596-WMV) in the United States Bankruptcy Court, District of New Hampshire.
5. On February 26, 2007, Mr. Clark filed on Mr. Lanteigne's behalf an adversary proceeding (#07-01040-WMV) in the Bankruptcy Court seeking a declaration of discharge of Mr. Lanteigne's student loans. The adversary complaint named as defendants the New Hampshire Higher Education Assistance Foundation ("NHHEAF"), the United States Department of Education ("DOE"), and Granite State Management and Resources ("Granite State").
6. Assistant United States Attorney David L. Broderick, Esq., represented DOE; Mark F. Weaver, Esq. of Ford and Weaver, PA represented NHHEAF and Granite State.
7. In a pre-trial scheduling order in the adversary proceeding, the Court set a discovery deadline of August 29, 2007, and a trial date of November 14, 2007.
8. On or about June 29, 2007, Mr. Weaver served discovery requests on Mr. Clark, including interrogatories propounded on Mr. Lanteigne by Granite State ("Granite State Interrogatories") and by NHHEAF ("NHHEAF Interrogatories").

9. Answers to the Granite State and NHHEAF Interrogatories were due in 30 days.
10. On or about July 18, 2007, Mr. Broderick forwarded to Mr. Clark interrogatories propounded on Mr. Lanteigne by DOE (“DOE Interrogatories”).
11. Answers to the DOE Interrogatories were due in 30 days.
12. On or about August 21, 2007, Mr. Weaver telefaxed a letter to Mr. Clark, seeking answers to the Granite State Interrogatories and NHHEAF Interrogatories no later than August 29.
13. Having heard no response from Mr. Clark, on or about August 28, 2007, Mr. Weaver filed a motion to compel answers to the NHHEAF and Granite State Interrogatories.
14. On August 23, 2007, having received no answers to the DOE interrogatories, Mr. Broderick telephoned Mr. Clark. Mr. Clark assured Mr. Broderick that he would provide answers to the DOE Interrogatories by August 31, 2007. Mr. Broderick consented to that extension.
15. On August 29, 2007, Mr. Broderick had a further conversation with Mr. Clark, in which Mr. Broderick agreed to further extend the deadline for responding to the DOE Interrogatories to September 6, 2007. On that date, Mr. Broderick also filed a motion to extend the deadline for discovery to September 6, 2007.
16. By Order dated August 30, 2007, the Court extended the discovery deadline to September 6, 2007.
17. Having received no answers to the DOE Interrogatories, on September 6, 2007, Mr. Broderick filed a Motion for Sanctions or, in the Alternative, to Compel Responses to Outstanding Discovery Requests.
18. Mr. Clark did not file a response to Mr. Broderick’s motion for sanctions.
19. In a letter to Mr. Lanteigne dated September 7, 2007, Mr. Clark’s assistant, Kim DeSisto, forwarded the NHHEAF Interrogatories. In her letter, Ms. DeSisto recommended that Mr. Lanteigne prepare handwritten answers and notations, and bring financial and other documentation, to a meeting scheduled with Mr. Clark for September 14, 2007. (Copy of September 7, 2007 letter).
20. Mr. Clark had not previously sent either the NHHEAF Interrogatories or the DOE Interrogatories to Mr. Lanteigne.
21. During his September 14, 2007, meeting with Mr. Clark, Mr. Lanteigne provided Mr. Clark

with his handwritten answers to the NHHEAF Interrogatories, as well as responsive documentation.

22. On or about September 25, 2007, Mr. Clark filed a response to NHHEAF's motion to compel. In his response, Mr. Clark admitted that the NHHEAF Interrogatories had been served on him and that no answers had been provided, as alleged in the motion to compel. Mr. Clark stated that Mr. Lanteigne had prepared draft answers to the NHHEAF Interrogatories and needed additional time to finalize them. Mr. Clark requested an extension until October 12, 2007.
23. On September 27, 2007, the Court rescheduled the trial date to February 14, 2008.
24. In an Order dated October 3, 2007, the Court ruled on the DOE motion for sanctions as follows: "Answers to be filed on or before October 12, 2007 or case will be dismissed."
25. On October 3, 2007, the Court issued identical Orders on both NHHEAF's and Granite State's motions to compel as follows: "Answers to be filed on or before October 12, 2007 or case will be dismissed."
26. In separate Orders dated October 18, 2007, as a result of Mr. Clark's failure to comply with discovery requests, the Court dismissed the adversary proceeding against DOE, NHHEAF, and Granite State.
27. Mr. Clark did not send Mr. Lanteigne copies of the Court's Orders.
28. On November 13, 2007, Mr. Lanteigne telephoned Mr. Clark to inquire about his trial, which, prior to dismissal, had been scheduled for November 14, 2007. Mr. Clark informed Mr. Lanteigne that he did not need to appear in Court on November 14, as his trial date had been continued until February 15, 2008.
29. Neither during this telephone conversation, nor at any time prior to February 11, 2008, did Mr. Clark inform Mr. Lanteigne that, on October 18, his adversary proceeding had been dismissed.
30. In December 2007, Mr. Lanteigne received bills from Granite State demanding payment. On or about December 10, 2007, Mr. Lanteigne telephoned Granite State to inquire why he was receiving bills while his case was in bankruptcy. An employee of Granite State informed Mr. Lanteigne that his bankruptcy had been dismissed. Mr. Lanteigne disagreed

and told the employee that his trial was scheduled for February 15, 2008.

31. After that telephone conversation, Mr. Lanteigne telephoned Mr. Clark to inform him of his conversation with Granite State. Mr. Clark told Mr. Lanteigne that his trial was still scheduled for February 15, 2008, and that he should retain all correspondence that he received from his creditors.
32. During this telephone conversation, Mr. Clark did not inform Mr. Lanteigne that, on October 18, his adversary proceeding had been dismissed; to the contrary, Mr. Clark informed Mr. Lanteigne that his "case" had not been dismissed.
33. On or about January 15, 2008, Mr. Lanteigne telephoned Mr. Clark to receive a status update. Mr. Clark's secretary informed Mr. Lanteigne that Mr. Clark was unavailable. Mr. Lanteigne left a message for Mr. Clark to contact him.
34. On or about January 22, 2008, having not heard back from Mr. Clark, Mr. Lanteigne telephoned Mr. Clark's office, and again left a message for Mr. Clark to contact him. Mr. Clark did not respond.
35. On or about January 29, 2008, Mr. Lanteigne telephoned Mr. Clark's office and requested a face-to-face meeting. Mr. Clark's secretary told Mr. Lanteigne that Mr. Clark schedules his own in-person meetings. Mr. Lanteigne again left a message for Mr. Clark to contact him.
36. On or about February 4, 2008, having heard nothing from Mr. Clark, Mr. Lanteigne telephoned Mr. Clark's office and left another message for Mr. Clark to contact him.
37. On or about February 5, 2008, Mr. Lanteigne telephoned Mr. Clark's office and was successful in speaking directly to Mr. Clark. Mr. Lanteigne asked Mr. Clark for a status update on his case. Mr. Clark stated that he did not have the file in front of him. Mr. Lanteigne asked for an in-person meeting. Mr. Clark scheduled the meeting for February 11, 2008.
38. At the February 11 meeting, Mr. Clark informed Mr. Lanteigne that a dismissal was ordered in his case because the defendants did not receive answers to interrogatories. Mr. Lanteigne expressed confusion and frustration. Mr. Clark ended the meeting and told Mr. Lanteigne that he would explore other options.
39. In a letter to Mr. Clark dated February 12, 2008, Mr. Lanteigne wrote:

This letter is in response to our meeting on February 11, 2008 in which I was informed that NHHEAF did not receive answers to their interrogatories and a dismissal has been granted in my bankruptcy.

I am very confused and wish to have some clarification. On September 7, 2007 you mailed me a copy of the interrogatories by NHHEAF. On September 14, 2007 I provided you with my answers to the interrogatories.

Why did NHHEAF fail to receive my answers to the interrogatories?

Is the dismissal with prejudice or without prejudice?

What impact does the dismissal have on the ability to have my loans included in my bankruptcy?

Is all or a portion of my loans now unavailable to be included in my bankruptcy?

If not, what portion of the loans is unavailable to be included in my bankruptcy and why?

When is my trial and what other options are you currently exploring?

Please also provide me with a copy of NHHEAF's motion to dismiss, and a copy of the dismissal order and all related documents.

40. On or about February 15, 2008, Mr. Lanteigne went to Bankruptcy Court and obtained electronic copies of materials in his file. This was the first time that he had seen any of the pleadings or orders in his case file.
41. On February 15, 2008, the Bankruptcy Court issued a final judgment in favor of the defendants in the adversary case.
42. On or about February 19, 2008, Mr. Lanteigne telephoned Mr. Clark and asked a series of questions about seeking a reversal of the dismissal. Mr. Clark informed Mr. Lanteigne that too much time had elapsed since the date of dismissal for a reversal to occur.
43. On March 4, 2008, Mr. Lanteigne filed a professional conduct complaint against Mr. Clark.

II. RULINGS OF LAW

The above-listed facts having been found by clear and convincing evidence, the Committee

accepted the Hearing Panel's determinations of rules violations and concluded that there is clear and convincing evidence that Mr. Clark violated the following Rules of Professional Conduct:

1.1(a); 1.3(a); 1.4; 8.4(c) and 8.4(a).

Rule 1.1(a): Lack of Competence

1. Mr. Clark had an obligation to provide Mr. Lanteigne with competent representation.
2. Specifically, Mr. Clark was obligated to pay attention to details and schedules necessary to assure that Mr. Lanteigne's adversary proceeding was completed with no avoidable harm to Mr. Lanteigne's interest.
3. Mr. Clark failed to comply with this obligation by failing to assist Mr. Lanteigne in preparing, finalizing and filing answers to the NHHEAF, Granite State and DOE Interrogatories and discovery requests.
4. As a result of Mr. Clark's failure to assist Mr. Lanteigne in the preparation and finalization of the discovery responses, and then his failure to file responses on Mr. Lanteigne's behalf, or to seek extensions of time to file such responses, Mr. Lanteigne's adversary proceeding against NHHEAF, DOE, and Granite State was dismissed.
5. Mr. Clark's failures in the above regards constitute a lack of competence. Mr. Clark's incompetence caused avoidable harm to Mr. Lanteigne's interests in the adversary proceeding.
6. Mr. Clark's conduct constitutes clear and convincing evidence of a violation of Rule 1.1(a).

Rule 1.3(a): Lack of Diligence

7. Mr. Clark had an obligation to act with reasonable promptness and diligence in representing Mr. Lanteigne, and to cause no avoidable harm to Mr. Lanteigne's interest.
8. Mr. Clark failed to comply with this obligation by failing to assist Mr. Lanteigne in the preparation, finalization, and filing of answers to the NHHEAF, Granite State and DOE Interrogatories and discovery requests in a timely fashion.
9. As a result of Mr. Clark's failures to assist Mr. Lanteigne in the preparation and finalization of the discovery responses, and then his failure to file responses on Mr. Lanteigne's behalf, or to seek extensions of time to file such responses, Mr. Lanteigne's adversary proceeding against NHHEAF, DOE, and Granite State was dismissed.

10. Mr. Clark's failures in the above regards constitute a failure to act with reasonable promptness and diligence.
11. Mr. Clark's lack of diligence caused avoidable harm to Mr. Lanteigne's interests in the adversary proceeding.
12. Mr. Clark's conduct constitutes clear and convincing evidence of a violation of Rule 1.3(a).

Rule 1.4: Client Communication

13. Mr. Clark had an obligation to keep Mr. Lanteigne reasonably informed regarding the status of his adversary proceeding and promptly to comply with Mr. Lanteigne's reasonable requests for information.
14. Mr. Clark was further obligated to explain the legal and practical aspects of a matter and alternative courses of action to the extent necessary to permit Mr. Lanteigne to make informed decisions regarding the representation. Mr. Clark failed to properly communicate with Mr. Lanteigne in that he failed to: (a) forward to Mr. Lanteigne copies of the Granite State and DOE discovery requests, as well as correspondence, pleadings and orders in his adversary proceeding; (b) explain the process by which answers to interrogatories and discovery responses are finalized and filed; (c) follow-up with Mr. Lanteigne to finalize the draft of his answers to the NHHEAF Interrogatories and then forward them to NHHEAF; (d) to explain the defendants' motions to compel and the need for timely responses to the outstanding discovery requests, and that dismissal of his case would result from a failure to respond; (e) to explain the dismissal of the adversary proceeding in a timely manner such that Mr. Lanteigne could consider his options, including hiring other counsel to assist him; and (f) to respond promptly to Mr. Lanteigne's many telephone calls between January 15 and February 4, 2008.
15. Mr. Clark's aforementioned conduct constitutes a failure to keep his client reasonably informed regarding the status of a matter and a failure promptly to comply with his client's reasonable requests for information.
16. Mr. Clark's aforementioned conduct further constitutes a failure to explain the legal and practical aspects of a matter and alternative courses of action to the extent necessary to permit his client to make informed decisions regarding the representation.
17. Mr. Clark's conduct constitutes clear and convincing evidence of a violation of Rule 1.4(a).

Rule 8.4(c): Deceit

18. Mr. Clark had an obligation to tell Mr. Lanteigne the truth when Mr. Lanteigne sought a status update on his case.
19. Mr. Clark violated this obligation on November 13, 2007, when Mr. Lanteigne telephoned Mr. Clark to inquire about the trial date in his case. Mr. Clark told Mr. Lanteigne that his trial date had been continued to February 15, 2008. However, he did not inform him that, in an Order issued October 18, 2007, his adversary proceeding had been dismissed.
20. Mr. Clark violated this obligation again on December 10, 2007, when Mr. Lanteigne telephoned Mr. Clark after someone at Granite State had told him that his bankruptcy case had been dismissed. Rather than inform Mr. Lanteigne of the truth that his adversary proceeding had been dismissed (as to not only Granite State, but all the defendants) as of a Court Order issued on October 18, 2007, Mr. Clark falsely told Mr. Lanteigne that his “case” had not been dismissed and that his trial was scheduled for February 15, 2008. Mr. Clark did not explain to Mr. Lanteigne (1) the distinction between the adversary proceeding and bankruptcy case; (2) that with the dismissal of the adversary proceeding, nothing remained to adjudicate in the bankruptcy case; and (3) that, the current state of the pleadings, Mr. Lanteigne could not obtain a discharge of his student loan debts.
21. At the time that Mr. Clark made these false statements and omissions to Mr. Lanteigne, Mr. Clark was aware of the October 18 Order dismissing the adversary proceeding. Mr. Clark was further aware that the dismissal was a result of Mr. Clark’s dilatory representation of Mr. Lanteigne. By neglecting to inform Mr. Lanteigne of the truth in November 2007, Mr. Clark intended to induce Mr. Lanteigne into believing that the case was still ongoing.
22. Mr. Clark waited until his in-person meeting with Mr. Lanteigne on February 11, 2008 to inform him of the truth regarding the dismissal of the adversary proceeding.
23. However, it was not until Mr. Lanteigne went to the Bankruptcy Court after his in-person meeting with Mr. Clark and saw the pleadings in his case file that he learned the full extent to which Mr. Clark had neglected his adversary proceeding.
24. Mr. Clark’s failure to inform Mr. Lanteigne of the truth regarding his case constitutes conduct involving dishonesty, fraud deceit or misrepresentation.
25. Mr. Clark’s conduct constitutes clear and convincing evidence of a violation of Rule 8.4(c).

Deceit Finding

In reviewing the aforementioned facts, the Committee accepted the Hearing Panel's finding that the Respondent's actions that formed the basis of a finding of deceit pursuant to Rule 8.4(c) were divided into two courses of conduct committed by the Respondent: affirmative misrepresentation and a pattern of omission.

a. Affirmative Misrepresentation

The Respondent engaged in a pattern of affirmative misrepresentation when:

(1) On December 10, 2007, the Respondent informed Mr. Lanteigne that he had a trial scheduled in February 2008, knowing that was a misrepresentation of the facts known to Mr. Clark at that point in time;

(2) The Respondent told Mr. Lanteigne that creditors did not have a right to pursue collection and that the automatic stay provision of the bankruptcy code was still in place despite attending a hearing in the Bankruptcy Court in which Mr. Lanteigne's adversary proceeding had been dismissed; and

(3) The Respondent, knowing that the adversary proceeding had been dismissed, told Mr. Lanteigne that his case had not been dismissed and instead led Mr. Lanteigne to believe that his Chapter 7 Petition was still pending and that the creditors were erroneously attempting to collect on Mr. Lanteigne's student loans.

b. Pattern of Omission

The Respondent engaged in a pattern of omission when:

(1) The Respondent failed to inform Mr. Lanteigne of the precarious nature of his adversary proceeding; particularly after the Respondent failed to meet the Court imposed discovery deadlines;

(2) The Respondent failed to engage or communicate with Mr. Lanteigne and through purposeful miscommunication allowed Mr. Lanteigne to believe that his Chapter 7 Petition was still pending after it had been dismissed;

(3) The Respondent failed to inform Mr. Lanteigne that the Motion to Dismiss had been filed;

(4) The Respondent failed to inform Mr. Lanteigne that the Motion to Dismiss had been granted; and

(5) The Respondent failed to inform Mr. Lanteigne that the adversary proceeding had been dismissed.

Rule 8.4(a): Misconduct

26. Based on the foregoing rules violations being found by clear and convincing evidence, there also is clear and convincing evidence that Mr. Clark violated Rule 8.4(a).

III. ANALYSIS

The purpose of the Court's disciplinary power "is to protect the public, maintain public confidence in the bar, preserve the integrity of the legal profession, and prevent similar conduct in the future." *E.g., Coffey's Case*, 152 N.H. 503, 513 (2005) (internal quotation marks omitted). "The sanction must take into account the severity of the misconduct." *Id.*

Under the American Bar Association's *Standards for Imposing Lawyer Sanctions* (1992) ("*Standards*"), when imposing a sanction for attorney misconduct the following factors are considered: (a) the duty violated; (b) the attorney's mental state; (c) the potential or actual injury caused by the misconduct; and (d) aggravating and mitigating factors. *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).

Under *Standard 4.6*, Lack of Candor, disbarment is deemed to be appropriate when the attorney knowingly deceives the client with the intent to benefit the attorney or another, and causes serious injury or potential serious injury to a client. *Standard 4.61*. Suspension is deemed to be appropriate when the attorney knowingly deceives the client, and causes injury or potential injury to the client. *Standard 4.62*. Reprimand¹ is appropriate when an attorney negligently fails to provide a client with accurate or complete information, and causes injury or potential injury to the client. *Standard 4.63*. Admonition² is appropriate when an attorney engages in an isolated instance of negligence in failing to provide a client with accurate or complete information, and causes injury or potential injury to the client. *Standard 4.64*.

1 "Reprimand" under the *Standards* is equivalent to a public censure as defined in Rule 37(2)(g).

2 "Admonition" under the *Standards* is equivalent to a reprimand as defined in Rule 37(2)(i).

The Duty Violated

Mr. Clark owed Mr. Lanteigne a duty to honestly and promptly communicate with him regarding the status of his case. This duty is at the very core of the attorney-client relationship. Indeed, the very first commitment made by every New Hampshire attorney is that he or she “will do no falsehood” (*see* RSA 311:6, containing the oath required of all attorneys admitted to practice in this state).

The Attorney’s Mental State

Mr. Clark was fully aware of the requirements of the bankruptcy proceeding and that he was not fulfilling his obligations. At oral argument, Mr. Clark said that he had “no real explanation” as to why the interrogatories were not filed; that Mr. Lanteigne “responded very promptly” once Mr. Clark finally forwarded the interrogatories to him, but that he (Mr. Clark) “just did not find the block of time to review them carefully” before sending them out. (Transcript, p. 16) Nevertheless, Mr. Clark purposefully led Mr. Lanteigne to believe that his Chapter 7 Petition was still pending after it had been dismissed. While the Committee did not interpret Mr. Clark’s actions as having a selfish motive (as did the Hearing Panel), it is clear that he knowingly deceived Mr. Lanteigne.

The Potential or Actual Injury Caused by the Misconduct

At oral argument, Mr. Clark asserted that Mr. Lanteigne was not precluded from making another attempt to have his student loans discharged in bankruptcy. (Transcript, p. 22) Arguably, then, the potential or actual economic injury to the client was minimal. However, both the client and the legal profession as a whole were injured by Mr. Clark’s deceit, based on the doubt it cast on the credibility of attorneys in general.

Aggravating and Mitigating Factors

As a mitigating factor, the Committee acknowledges that Mr. Clark took on Mr. Lanteigne’s contested Chapter 7 bankruptcy on a *pro bono* basis, knowing full well that this case presented a number of challenges that would involve a significant commitment of Mr. Clark’s time.

The Committee also viewed the following as aggravating factors:

- a. Mr. Clark’s extensive experience in the practice of law;
- b. The vulnerability of the client;
- c. A prior disciplinary record for the same or similar violations; and

d. A propensity to minimize or dismiss the egregiousness of his conduct.

At oral argument, Disciplinary Counsel emphasized that the baseline sanction should be suspension, whether based on *Standard* 4.6 relative to lack of candor or *Standard* 8.2 relative to prior discipline for the same or similar conduct. Mr. Clark stated that he accepted the Hearing Panel's recommendation but asked that the suspension not commence until October 2010, when he would be eligible to retire on full Social Security benefits.

IV. CONCLUSION AND SANCTION

The Committee views Mr. Clark's conduct as egregious both when viewed as an individual case and when viewed in the context of his prior disciplinary matters. Mr. Clark's failure to communicate honestly with Mr. Lanteigne regarding the dismissal of his case and the reasons for the dismissal warrants a suspension. Further, the public can be protected, public confidence in the bar can be maintained, and the integrity of the legal profession can be preserved only through Mr. Clark's suspension.


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).

The Committee directs Disciplinary Counsel to petition the Supreme Court for Mr. Clark's suspension from the practice of law for the period of two years, commencing as of the date of the Court's order.

V. COSTS

Mr. Clark is assessed all costs associated with the investigation and prosecution of this matter. *See* N.H. Sup. Ct. R. 37(19).

November 18, 2009


Margaret H. Nelson
Chair

c.c. Landya B. McCafferty, Disciplinary Counsel
Grenville Clark, III, Esquire
File