

**THE STATE OF NEW HAMPSHIRE**

**SUPREME COURT**

**ORDER**

**LD-2009-0013, In the Matter of Grenville Clark, III**

On December 8, 2009, the Professional Conduct Committee (PCC) filed an assented-to petition for a two-year suspension from the practice of law of the respondent, Attorney Grenville Clark, III. On December 11, 2009, the court issued an order of notice, which required that the petition be sent to the respondent by first class and certified mail and that the respondent file an answer to the petition within 30 days of service.

The respondent filed an answer to the petition stating that he admitted the allegations of the petition and that he accepted the sanction recommended by the PCC. He requested that the court allow him 90 days to take steps to protect the interests of his clients and to wind up his practice before the suspension takes effect.

In this case, the PCC's petition alleged violations of the following Rules of Professional Conduct:

- (1) Rules 1.1(a). This rule requires a lawyer to provide competent representation to a client. The respondent violated this rule by failing to prepare responses to interrogatories and other discovery requests, which caused avoidable harm to his client's interests in an adversary proceeding.
- (2) Rule 1.3(a). This rule requires a lawyer to act with reasonable diligence and promptness in representing a client. The respondent violated this rule by failing to prepare responses to interrogatories and other discovery requests, which caused avoidable harm to his client's interests in an adversary proceeding.
- (3) Rule 1.4(a). This rule requires a lawyer to keep a client reasonably informed about the status of a matter; to promptly comply with a client's request for information; and to explain the legal and practical aspects of a legal matter and the alternative courses of action so as to permit the client to make informed decisions regarding the representation. The respondent violated this rule by failing to forward copies of correspondence and discovery requests to his client, failing to finalize his client's answers to discovery requests, failing to advise his client of the dismissal of his claim and explain the effect of the dismissal so that his client could consider

the options available to him, and failing to respond to numerous telephone calls from his client.

- (4) Rule 8.4 (c). This rule makes it professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation. The respondent violated this rule by giving his client false information about the status of his case after the case was dismissed to induce his client into believing that his case was still ongoing. The PCC found that the respondent engaged in both a pattern of affirmative misrepresentation and in a pattern of omission.
- (5) Rule 8.4(a). This rule makes it professional misconduct to violate the Rules of Professional Conduct.

Having considered the PCC's recommendation and petition for two-year suspension, the court accepts the recommendation of the PCC that the respondent be suspended for a period of two years. Considering the seriousness of the violations, the court concludes that a two-year suspension is necessary to "protect the public, maintain public confidence in the bar, preserve the integrity of the legal profession, and prevent similar conduct in the future." *Coddington's Case*, 155 N.H. 66, 68 (2007) (quotation omitted). The court grants the respondent's request that the effective date of the suspension be delayed to enable him to take steps to protect the interests of his clients and to wind up his practice.

THEREFORE, the court orders that Grenville Clark, III, be suspended from the practice of law in New Hampshire for a period of two years, effective April 28, 2010. During the period between the respondent's receipt of this order and the date of his suspension, the respondent is limited to taking the following actions:

- (1) The respondent may take steps to wind up his practice and pending client matters, but he shall not take on new client matters.
- (2) The respondent shall notify all clients in writing that he will be suspended from the practice of law effective April 28, 2010, and shall further advise them that they should obtain the services of other lawyers of their choice.

On or before March 1, 2010, the Attorney Discipline Office shall advise the court whether an attorney should be appointed in accordance with Rule 37(17) to take possession of Attorney Clark's client files and trust accounts upon his suspension and to take such action as is necessary to protect the interests of his clients.

Attorney Clark is ordered to notify the attorney discipline authority of any other jurisdictions in which he is licensed to practice law of the issuance of the

court's order. He is hereby assessed all expenses incurred by the Professional Conduct Committee in the investigation and prosecution of this matter.

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

DATE: January 28, 2010

ATTEST:

  
**Eileen Fox, Clerk**

Distribution:  
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