

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

ORDER

LD-2010-0001, In the Matter of Charles R. Quinn, III

On January 29, 2010, the Professional Conduct Committee (PCC) filed a petition seeking the disbarment of the respondent, Attorney Charles R. Quinn, III. The court issued an order requiring that the petition be sent to the respondent by first class and certified mail. The order notified the respondent that he was required to file an answer to the petition within 30 days of service or the allegations of the petition would be deemed admitted. Copies of the court's order and of the petition for disbarment were sent to the respondent by first class and certified mail at two addresses that he had provided to the New Hampshire Bar Association. All of the copies were returned to the court marked either unclaimed or undeliverable. Because the petitions were sent to the respondent at the latest addresses that he provided to the bar association, in accordance with Rule 37(16)(b), the respondent is deemed to have been served with the petition for disbarment.

The respondent has not filed an answer to the petition. Rule 37(16)(c) provides that if a respondent attorney fails to answer a petition filed by the Professional Conduct Committee, the allegations of the petition "shall be deemed to be admitted and no further hearing shall be required." In this case, the petition alleged violations of the following Rules of Professional Conduct:

- (1) Rule 3.3(a)(1) and (3). These provisions prohibit a lawyer from knowingly making a false statement of fact or law to a tribunal and from offering evidence that the lawyer knows to be false. The PCC alleged that the respondent violated this rule by forging his client's signature on an inventory filed in probate court and by falsely attesting to the signature.
- (2) Rule 8.1. This rule prohibits a lawyer from failing to attend a hearing when ordered to do so by a disciplinary authority. The PCC alleged that the respondent violated this rule by failing to respond to inquiries from the Attorney Discipline Office.
- (3) Rule 8.4(a). This rule makes it professional misconduct to violate the Rules of Professional Conduct.

In accordance with Rule 37(16)(c), the committee's allegations are deemed admitted.

Based on the serious nature of the violations and on Attorney Quinn's failure to cooperate with the Attorney Discipline Office and to respond to this court's order, the court concludes that disbarment is the appropriate sanction in this case.

THEREFORE, the court orders that Charles R. Quinn, III, be disbarred from the practice of law in New Hampshire. Attorney Quinn 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, Hicks and Conboy, JJ., concurred.

DATE: March 25, 2010

ATTEST:


Eileen Fox, Clerk

Distribution:

Margaret H. Nelson, Esq.

James L. Kruse, Esq.

Charles R. Quinn, III x3

Sherri Kluneser, Supreme Court

NH Bar Association x4

File