

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

ORDER

LD-2010-0008, In the Matter of Mary Notaris

On May 27, 2010, the Professional Conduct Committee (PCC) filed a petition for disbarment of the respondent, Mary Notaris. In the petition, the PCC alleged that the respondent made false statements to disciplinary authorities and altered evidence to support her false statements. Upon receipt of the petition, an order was issued requiring the respondent to show cause why she should not be suspended from the practice of law on an interim basis pending final disposition of this matter. The respondent filed a response in which she stated that she did not intend to contest the allegations of the petition and that she would accept the sanction recommended by the PCC. She requested that she be given 90 days to complete imminently scheduled work and to wind down her affairs. The PCC filed a response to the respondent's request and recommended that the respondent be given until August 18, 2010 to close her practice and that she be required to take certain actions to notify clients of the pending disbarment petition prior to this date. On June 18, 2010, the respondent notified the court in writing that she did not object to the PCC's recommendation.

The court accepts the recommendation of the PCC as to the imposition of an interim suspension. Accordingly, it is hereby ordered that:

- (1) In accordance with Rule 37(16)(d) and (f), Attorney Mary Notaris shall close her practice on or before August 18, 2010. Attorney Notaris shall be suspended from the practice of law on an interim basis pending further order of this court, effective August 19, 2010.
- (2) Upon receipt of this order, Attorney Notaris shall not take on any new matters for new or existing clients and shall not provide any legal services to existing clients except as may be required in connection with the scheduled appearances referenced in her response to the show cause order.
- (3) Within seven days of receipt of this order, Attorney Notaris shall provide written notice of this order and of the pending petition for disbarment to every client. In the written notice, Attorney Notaris shall advise the client that the client should obtain the services of another lawyer of the client's choice and should request that the client

notify her of the client's instructions for the transfer of the client file.

- (4) On or before August 2, 2010, Attorney Notaris shall withdraw from all litigated matters in which no hearing or trial has been scheduled prior to August 18, 2010.
- (5) On or before August 13, 2010, Attorney Notaris shall: (a) provide the Attorney Discipline Office (ADO) with copies of all notice letters issued to clients pursuant to paragraph 3; (b) provide the ADO with a list of all open case files still in her possession with a status report on each matter; (c) promptly return all funds held in trust and other client property to which her clients are entitled; and (d) surrender all case files and records in her possession to an attorney to be appointed by the court to make an inventory of her remaining client files and trust accounts.
- (6) On or before September 20, 2010, Attorney Notaris shall file with the court an affidavit of compliance with this order.
- (7) Attorney Notaris is hereby assessed all expenses incurred by the PCC in the investigation and prosecution of this matter, as well as all expenses related to the appointment of counsel to take possession and make an inventory of her client files and trust accounts.

Copies of this order shall be sent to Attorney Notaris by first class and certified mail. A copy of this order shall be sent to Attorney Notaris' counsel.

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

DATE: June 28, 2010

ATTEST:


Eileen Fox, Clerk

Distribution:

James L. Kruse, Esquire
Margaret H. Nelson, Chair
Mary N. Notaris, Esquire
Russell F. Hilliard, Esquire
NH Bar Association
File