

New Hampshire Supreme Court
Professional Conduct Committee

a committee of the attorney discipline system

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LD 2006-0009 In the Matter of Leigh D. Bosse (Reinstatement)

RECOMMENDATION TO DENY REINSTATEMENT WITHOUT PREJUDICE

On January 18, 2011, the Professional Conduct Committee deliberated the above captioned matter. Committee members Margaret H. Nelson, Chair, Benette Pizzimenti, Vice Chair, Toni M. Gray, Vice Chair, Susan R. Chollet, David N. Cole, Thomas P. Connair, Gerald A. Daley, Richard H. Darling, and Julie A. Introcaso were present. Committee members James R. Martin and Lawrence A. Vogelmann were absent. Committee member Alan J. Cronheim was recused and did not participate.

I. Background

Mr. Bosse was admitted to practice law in 1975. He was convicted of forgery in a real estate transaction. *See* Tab 17. His real estate license was revoked. On April 4, 2007, the Court suspended Mr. Bosse for 2 years, for violation of N.H. Rule Prof. Conduct 8.4(c): Engaging Conduct involving Dishonesty, Fraud, Deceit or Misrepresentation, and 8.4(a): Misconduct. Mr. Bosse applied for reinstatement on June 16, 2010.

II. Summary of Hearing Panel Report

A notice of motion for reinstatement to the New Hampshire Bar was published, and

during the 20-day public comment period several comments were received, including one negative comment by a writer alleging that Mr. Bosse had plagiarized her work in his publication, *The Messenger*, a weekly newspaper in the Hillsboro, N.H. area. An evidentiary hearing was held on September 14, 2010 on the issue of plagiarism in Mr. Bosse's work as publisher. The Hearing Panel reported: "(a)fter careful consideration of the memoranda, and discussion amongst the Panel, it was unanimously held that plagiarism had been proven by clear and convincing evidence." The Hearing Panel ultimately recommended that Mr. Bosse be reinstated, with conditions.

III. Committee's Findings

Oral Argument was heard on January 18, 2011. Jennifer B. Sargent presented for the Attorney Discipline Office, and Mr. Bosse was *pro se*. During Oral Argument, Mr. Bosse stated that he regretted that he was unable to convince the judge that he lacked criminal intent to defraud, referencing his forgery conviction. *See* Tab 18 at 21. He also stated that he is now a convicted felon. *See* Tab 18 at 20. After the Hearing Panel Report was issued, Mr. Bosse stated that he wrote a letter of apology to Ms. Vogel, but was awaiting further direction from the reinstatement process before mailing it. *See* Tab 18 at 23.

The Committee finds that Mr. Bosse failed to acknowledge the criminal nature of his conduct in the underlying matter. He failed to acknowledge the moral act of plagiarism which led to a negative public comment about his fitness to practice law. Mr. Bosse also failed to pay the civil debt in full. The Committee disagrees with the Hearing Panel Recommendation.

IV. Analysis

Mr. Bosse has the burden of proof, by clear and convincing evidence, to demonstrate that he has the moral qualifications required to practice law in New Hampshire; the competency and learning in the law to practice law in New Hampshire; and show that the resumption of the practice of law will not be detrimental to the integrity and standing of the Bar, detrimental to the administration of justice, nor subversive to the public interest. *See* New Hampshire Supreme Court Rule 37(14)(b).

It is a basic tenet of New Hampshire practice that “any person who seeks admission to practice law in the state of New Hampshire shall at all times have the burden of proving his or her good moral character before the Committee on Character and Fitness, and the Supreme Court of New Hampshire.” New Hampshire Supreme Court Rule 42(f). The privilege of practicing law in this state comes with the concomitant responsibilities of truth, candor and honesty.

Grew’s Case, 156 N.H. 361, 365 (2007), *citing Bosse’s Case*, 155 N.H. 128 at 131 (2007); *Basbanes’ Case*, 141 N.H. 1, 7 (1996). The record reveals a finding of dishonesty by plagiarism by clear and convincing evidence; a failure by Mr. Bosse to acknowledge the criminal nature of his conduct in the underlying matter; and a failure to pay his civil debt in full.

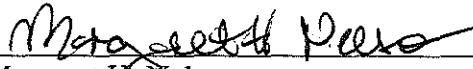
After deliberation, the Professional Conduct Committee concluded that Mr. Bosse has not met the burden of proof pursuant to New Hampshire Supreme Court Rule 37(14)(b), by clear and convincing evidence, for his reinstatement.

V. Recommendation

Upon consideration, the Committee recommends that Mr. Bosse’s request for reinstatement be denied without prejudice at this time, and that the Court allow Mr. Bosse to

reapply for reinstatement no sooner than one year from the date of the Court's Order.

March ~~15~~¹⁶, 2011


Margaret H. Nelson
Chair

Distribution:

Eileen Fox, Clerk, New Hampshire Supreme Court (with Record)
Jennifer B. Sargent, Disciplinary Counsel
Leigh Bosse
File

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

In Case No. LD-2011-0003, In the Matter of Leigh D. Bosse, the court on April 11, 2011, issued the following order:

The court has opened a new case for the purpose of ruling upon respondent's motion for reinstatement. The respondent's motion for reinstatement, the recommendation of the Professional Conduct Committee (PCC) on the motion, and the certified copy of the record of the PCC proceedings have been transferred to this case file. Any further pleadings filed by the parties shall refer to the above case number. Case number LD-2006-0009 is now closed.

On March 15, 2011, the PCC filed a recommendation for ruling on the respondent's motion for reinstatement. It recommended that the motion be denied without prejudice and that the court allow the respondent to reapply for reinstatement no sooner than one year from the date of the court's action on the motion for reinstatement. Supreme Court Rule 37(14) indicates that after the PCC files its recommendation on a motion for reinstatement with the court, the parties shall have the opportunity to file briefs. On or before May 2, 2011, the respondent shall advise the court whether he accepts the recommendation of the PCC, or whether he chooses to proceed to briefing.

This order is entered by a single justice (Conboy, J.). See Rule 21(7).

**Eileen Fox,
Clerk**

Distribution:

Leigh D. Bosse, Esquire
Jennifer B. Sargent, Esquire
Margaret Nelson, Esquire
File (2)

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

**In Case No. LD-2011-0003, In the Matter of Leigh D. Bosse,
the court on August 18, 2011, issued the following order:**

Attorney Leigh D. Bosse's motion for reinstatement is denied at this time. Attorney Bosse may reapply for reinstatement no sooner than one year from the date of this order.

Dalianis, C.J., and Hicks, Conboy and Lynn, JJ., concurred.

**Eileen Fox,
Clerk**

Distribution:

Leigh D. Bosse, Esquire

Thomas V. Trevethick, Esquire

Margaret Nelson, Esquire ✓

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