

New Hampshire Supreme Court
Professional Conduct Committee

Margaret H. Nelson, Chair
Benette Pizzimenti, Vice Chair
Toni M. Gray,* Vice Chair
David N. Cole
Thomas P. Connair
Alan J. Cronheim
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James R. Martin
David N. Page*
* non attorney member
Holly B. Fazzino, Admin. Coordinator

Nadeau, Robert M.A. advs. Attorney Discipline Office # 06-017

Reprimand

On June 20, 2006, the Professional Conduct Committee considered the matter.

Members present included; Margaret H. Nelson, Chair, Toni M. Gray, Vice Chair, David N. Cole, Alan J. Cronheim, Eleanor Wm. Dahar, Gerald A. Daley, Gretchen Rule Hamel, James R. Martin, and David N. Page. Benette Pizzimenti, Vice Chair, Thomas P. Connair and Richard H. Darling were absent.

The Professional Conduct Committee, upon consideration, granted General Counsel's Motion to Permit Waiver of Hearings Committee Process, dated June 9, 2006, attached herein and made part thereof.

I. Factual Findings

The Professional Conduct Committee accepted the parties' Stipulation of Facts, attached hereto and made a part hereof, which establishes certain facts, laid out therein, based on clear and convincing evidence.

II. Rulings of Law

The Professional Conduct Committee concludes that Robert M.A. Nadeau violated the Rules of Professional Conduct: Rule 8.5(B)(1), by clear and convincing evidence. This rule is applicable

to the Maine Bar Rules as cited in the Stipulation, section 4(f) and 5(e). These violations of Maine Bar Rules apply under 8.5(B)(1) under the NH Rules of Professional Conduct, which states:

“The rules to be applied shall be the rules of the jurisdiction in which the court sits, unless the rules of the court provide otherwise.”

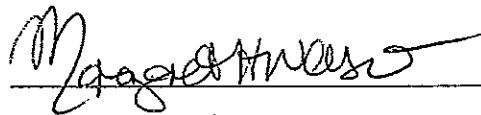
III. Sanction

The Professional Conduct Committee concludes that the appropriate discipline in this matter is a Reprimand. This sanction is in accord with the purpose of attorney discipline as described by the ABA Center for Professional Responsibility, Standards or Imposing Lawyer Sanctions (1991). Although the Court has never formally adopted these Standards, the Court has considered them when imposing sanctions.

IV. Conclusion

For the above reasons, the Professional Conduct Committee issues this Reprimand to Robert M.A. Nadeau for violating N.H. Prof. Conduct Rule 8.5(B)(1).

June 20, 2006



Margaret H. Nelson

Chair

Distribution:

James L. DeHart, General Counsel
Robert M.A. Nadeau, Esquire
File

NEW HAMPSHIRE SUPREME COURT
PROFESSIONAL CONDUCT COMMITTEE

Nadeau, Robert M.A.

advs.

Attorney Discipline Office

#06-017

MOTION TO PERMIT
WAIVER OF HEARINGS COMMITTEE PROCESS,
TO FIND PROFESSIONAL MISCONDUCT
BASED ON A STIPULATION, AND TO
ISSUE A REPRIMAND

NOW COMES James L. DeHart, General Counsel, and respectfully requests that the Professional Conduct Committee permit the parties to waive the process before the Hearings Committee.

In support thereof, undersigned counsel states as follows:

1. New Hampshire Supreme Court Rule 37A(III)(a)(3) states that "all formal proceedings under this rule shall be as expeditious as possible."
2. As a result of the conduct set forth in a Stipulation signed by the parties and submitted herewith, the Supreme Judicial Court of Maine has already found professional misconduct against Robert M.A. Nadeau and issued a public reprimand.
3. The findings in the Maine proceedings, coupled with the within Stipulation, render the issuance of a Notice of Charges unnecessary.
4. The complaint in New Hampshire is based on a referral from Maine Bar Counsel.
5. The most expeditious manner of resolving this matter is to grant this motion.
6. Mr. Nadeau assents to the granting of this motion.

WHEREFORE, undersigned counsel respectfully requests that this Honorable Committee:

- A. Waive the Hearings Committee process, including the issuance of Notice of Charges.
- B. Find that Robert M.A. Nadeau has engaged in professional misconduct by clear and convincing evidence, as set forth in the within Stipulation.
- C. Issue a reprimand to Robert M.A. Nadeau for said misconduct.
- D. Grant such other relief as is fair and in the public interest.

Respectfully submitted,

New Hampshire Supreme Court
Attorney Discipline Office
4 Park Street, Suite 304
Concord, New Hampshire 03301
(603)-224-5828

June 9, 2006



James L. DeHart
General Counsel

Certification

I, James L. DeHart General Counsel of the New Hampshire Supreme Court Attorney Discipline Office, certify that a copy of the foresaid Motion to Permit Waiver of Hearings Committee Process, to Find Professional Misconduct Based on a Stipulation, and to Issue a Reprimand is being sent on this ninth day of June, 2006 to Robert M.A. Nadeau, Esquire, 1332 Post Road, Wells Maine 04090, by regular mail postage prepaid.



James L. DeHart
General Counsel

NEW HAMPSHIRE SUPREME COURT
PROFESSIONAL CONDUCT COMMITTEE

Nadeau, Robert M.A.

advs.

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#06-017

STIPULATION

General Counsel James L. DeHart and Respondent Robert M.A. Nadeau hereby stipulate as follows:

I. Stipulation of Facts

1. Mr. Nadeau is admitted to practice law in Maine, New Hampshire and Massachusetts.
2. At all relevant times hereto Mr. Nadeau maintained a law practice in York County, Maine.
3. By order dated March 2, 2006, the Maine Supreme Judicial Court imposed a public reprimand on Mr. Nadeau based on findings of professional misconduct in two matters.
4. In the first matter, the Supreme Judicial Court held:
 - a. During the months of June and July of 2003, Attorney Nadeau was involved in an acrimonious departure of two attorneys from his law firm;
 - b. Civil cross claims arising from a dispute over ownership of accounts receivable owed to the firm as of the date of the attorneys' departure were filed in the Superior Court;
 - c. In the Superior Court litigation, the opposing parties filed pleadings that contained information about Attorney Nadeau's relationship with a former client;

- d. Attorney Nadeau sought to have the record sealed;
 - e. In his initial efforts, Attorney Nadeau sent two items of correspondence to his adversaries' counsel that he simultaneously faxed directly to the represented opposing parties; and
 - f. Attorney Nadeau's conduct violated M. Bar R. 3.6(f), [which is similar in relevant part to Rule 4.2 of the New Hampshire Rules of Professional Conduct] and prohibits such direct contact with represented persons.
5. In the second matter, the Supreme Judicial Court held:
- a. When the presiding Superior Court justice denied Attorney Nadeau's request to seal the court's record, Attorney Nadeau sent a letter to the judge stating that in his own view, and the view of many others who were not identified, the judge had failed to adhere to establish legal principles underlying the Rules of Civil Procedure;
 - b. Attorney Nadeau spoke of "outright shock" concerning the judge's exercise of discretion in his ruling;
 - c. Attorney Nadeau referred to the judge's decision as "horrible" and causing Attorney Nadeau's family to suffer;
 - d. Attorney Nadeau claimed that the further suffering of his wife and his children was "not because of my affair which by that time was old news in my family wherein tremendous, positive healing had occurred, but because of what you chose to do to reopen and tremendously expose the wounds;" and
 - e. His conduct was discourteous and degrading to the Superior Court in violation of M. Bar R. 3.7(e)(2)(vi). [Even though there is no similar language in the New Hampshire Rules of Professional Conduct, New Hampshire Rule 8.5(B)(1) makes clear that the Maine Rules apply

(“... the rules to be applied shall be the rules of the jurisdiction in which the court sits ...”).

6. Mr. Nadeau regrets his conduct and has apologized to all concerned regarding the above circumstances. He acknowledges that the lessons learned by him have been very substantial, extremely expensive and positively instructive.
7. Mr. Nadeau waives the issuance of a Notice of Charges.

II. Stipulation as to Rules Violated

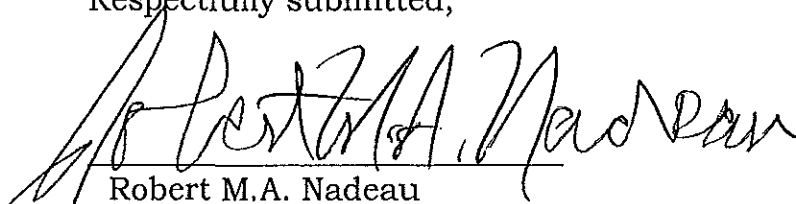
8. It is agreed that the Conduct described in this Stipulation constitutes professional misconduct by clear and convincing evidence.
9. It is further agreed that pursuant to Rule 8.5(B)(1) of the New Hampshire Rules of Professional Conduct, it is the Maine Bar Rules as cited above that apply.

III. Stipulation as to Sanction

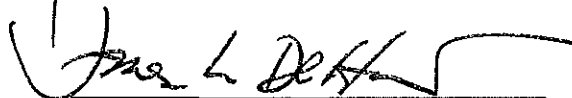
10. It is agreed that a public reprimand is the appropriate sanction. One of the stated purposes for the ABA Standards for Imposing Lawyer Sanctions is “consistency in the imposition of disciplinary sanctions for the same or similar offences within and among jurisdictions.” Standard 1.3.

Respectfully submitted,

Dated: June 5, 2006


Robert M.A. Nadeau

Dated: June 8, 2006


James L. DeHart
General Counsel
Attorney Discipline Office