

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

ORDER

LD-2009-0012, In the Matter of Jeanne M. Vanim Botting

On December 8, 2009, the Professional Conduct Committee (PCC) filed an assented-to petition for three-year suspension from the practice of law of Attorney Jeanne M. Vanim-Botting. The PCC alleged that Attorney Vanim-Botting had violated Rules 1.15(a), 1.15(b), 4.1(a), 8.1(a), 8.4(c), and 8.4(a) of the Rules of Professional Conduct by improperly disbursing funds to herself from her client trust account, by making false statements to others, and by making false statements in connection with a disciplinary matter. The petition stated that Attorney Vanim-Botting did not contest the allegations and agreed to the recommended sanction. On December 14, 2009, the court suspended Attorney Vanim-Botting from the practice of law pending further order of the court. It appointed Attorney Alethea Froborg to take possession of Attorney Vanim-Botting's client files and trust accounts.

In February 2010, Attorney Froborg reported to the court that she had been unable to contact Attorney Vanim-Botting despite numerous attempts to do so. She reported that, consequently, she had been unable to take possession of Attorney Vanim-Botting's client files and trust accounts. The court ordered Attorney Vanim-Botting to contact Attorney Froborg and to comply with Attorney Froborg's requests. In March 2010, Attorney Froborg reported that Attorney Vanim-Botting had not contacted her. The court scheduled a hearing on April 21, 2010, and issued an order requiring Attorney Vanim-Botting to appear and to show cause why she should not be held in contempt and subject to sanctions until she complied with this court's orders. Attorney Vanim-Botting did not appear for the hearing. The court issued an order finding Attorney Vanim-Botting in contempt and directing that a capias be issued for her immediate arrest. The Carroll County Sheriff was unable to serve the capias, however.

In June 2010, the court remanded this matter to the PCC for it to consider whether the events occurring after her suspension affected its sanction recommendation. After further proceeding, the PCC filed an assented-to petition for disbarment. The PCC alleged that Attorney Vanim-Botting's conduct after her suspension violated Rule 3.4(c) and 8.4(a). The PCC stated that Attorney Vanim-Botting assented to the disbarment provided that she was afforded an opportunity to file a response to the petition.

Upon receipt of the assented-to petition for disbarment, the court issued an order of notice requiring that the order and the petition be served upon Attorney Vanim-Botting. The order of notice stated that any answer to the petition must be filed within 30 days of service. The order and petition were served at Attorney Vanim-Botting's abode on July 30, 2011. No answer to the petition has been filed.

Rule 37(16)(c) provides that if a respondent attorney fails to answer a petition, "the allegations set forth therein shall be deemed admitted and no further hearing shall be required." Accordingly, the allegations in the petition for three-year suspension and the petition for disbarment are deemed admitted. Attorney Vanim-Botting is found to have violated Rules 1.15(a), 1.15(b), 3.4(c), 4.1(a), 8.1(a), 8.4(c), and 8.4(a) of the Rules of Professional Conduct. Considering the seriousness and willful nature of Attorney Vanim-Botting's misconduct, the court concludes that disbarment is the appropriate sanction in this case.

THEREFORE, the court orders that Jeanne M. Vanim-Botting be disbarred from the practice of law in New Hampshire. She is hereby assessed all expenses incurred by the Professional Conduct Committee in the investigation and prosecution of this matter.

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

DATE: October 3, 2011

ATTEST:



Eileen Fox, Clerk