

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

ORDER

LD-2012-0005, In the Matter of David M. Wagner

A certified copy of the judgment of the United States District Court for the Eastern District of Missouri in United States v. David M. Wagner has been filed with this court. The judgment states the Attorney David M. Wagner pleaded guilty to one count of theft of government funds in violation of 18 U.S.C § 641. On July 25, 2012, the court issued an order immediately suspending Attorney Wagner from the practice of law based on its determination that the conviction constitutes a "serious crime," as defined by Supreme Court Rule 37(9)(b). The court's order also required Attorney Wagner to show cause by August 24, 2012, why he should not be disbarred as a result of this conviction. In accordance with Rule 37(9)(d), the court's order was mailed to Attorney Wagner at the last address that he provided to the New Hampshire Bar Association. No response to the court's order has been received.

Considering the seriousness of the crime committed by Attorney Wagner and his failure to respond to this court's order, the court concludes that disbarment is the appropriate discipline in this matter.

THEREFORE, in accordance with Rule 37(9)(d), the court orders that David M. Wagner be disbarred from the practice of law in New Hampshire. Attorney Wagner is hereby assessed all expenses incurred by the Professional Conduct Committee in the investigation and prosecution of this matter.

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

DATE: October 1, 2012

ATTEST:


Eileen Fox, Clerk

Distribution:
Attorney Discipline Office
David M. Wagner, Esq.
Thomas V. Trevethick, Esq.
File