

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

ORDER

LD-2012-0011, In the Matter of George C. Carter

On October 3, 2012, the Professional Conduct Committee (PCC) submitted a request from Attorney George C. Carter to resign from the bar in accordance with Rule 37(11). As required by the rule, Attorney Carter's request included his affidavit in which he acknowledged that he was the subject of a disciplinary investigation into allegations of misconduct, that the material facts of the allegations against him were true, and that the misconduct allegations could not be successfully defended. The PCC recommended that Attorney Carter's request be denied. After reviewing Attorney Carter's request and affidavit, and the PCC's recommendation, the court denied Attorney Carter's request and remanded the matter to the PCC.

On October 24, 2012, Attorney Carter executed a second affidavit. In the affidavit, Attorney Carter acknowledged that there was clear and convincing evidence that he had violated the following Rules of Professional Conduct:

1. Rule 1.1 (competence) and Rule 1.3 (diligence);
2. Rule 3.4 (c) (fairness to opposing party and counsel);
3. Rule 3.3 (candor toward the tribunal) and Rule 8.4 (c) (misrepresentation);
4. Rule 1.15 (safeguarding property); and Rule 1.5 (fees); and
5. Rule 8.4(a) (misconduct).

After reviewing Attorney Carter's second affidavit, the PCC reconsidered its recommendation. On November 2, 2012, the PCC advised the court that it recommended that Attorney Carter's resignation be accepted. On December 4, 2012, Attorney Carter executed a third affidavit in which he stated that he had closed his law office in October 2012, was no longer engaged in the practice of law, and did not intend to resume practicing law.

The court has reviewed the affidavits of Attorney Carter and the recommendation of the Professional Conduct Committee. In accordance with Rule 37(11), Attorney Carter's resignation from the bar is accepted.

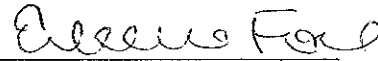
In his October 24, 2012 affidavit, Attorney Carter waived his right to the confidentiality of the affidavits and related attachments and agreed that if his resignation were to be accepted, this file, including his affidavits, would be available for public review. Accordingly, the contents of this file shall be available for public review.

THEREFORE, the court hereby grants Attorney Carter's request to resign from the bar. Attorney Carter is assessed all expenses incurred by the Professional Conduct Committee in the investigation and prosecution of this matter, including the cost of the ADO audit.

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

DATE: December 21, 2012

ATTEST:



Eileen Fox, Clerk

Distribution:
Professional Conduct Committee, #08-054
Disciplinary Counsel
George C. Carter, Esq.
File