

**THE STATE OF NEW HAMPSHIRE**

**SUPREME COURT**

**ORDER**

**LD-2013-0003, In the Matter of Jason A. Czekalski**

The Attorney Discipline Office has filed a petition for immediate interim suspension from the practice of law of Attorney Jason A. Czekalski. The petition includes certified copies of two complaints against Attorney Czekalski for felonious sexual assault, and one complaint for aggravated felonious sexual assault. The ADO alleges that Attorney Czekalski was arrested on these charges on January 25, 2013, and is currently being held at the Cheshire County House of Corrections. The ADO further states that it has been informed that Attorney Czekalski waived his right to a probable cause hearing on January 29, 2013, and was bound over to the superior court. The ADO alleges that Attorney Czekalski has client matters pending in superior court and that it is unaware of any attorney who has been engaged to assist Attorney Czekalski with these matters while he is in custody.

Supreme Court Rule 37(9)(i) provides:

Whenever an attorney is indicted or bound over for any felony, the court shall take such actions as it deems necessary, including but not limited to the suspension of the attorney.

In light of Attorney Czekalski's arrest and detention on felony charges, and of the fact that Attorney Czekalski has pending court cases, the court finds that Attorney Czekalski's immediate suspension is necessary to protect the public and to preserve the integrity of the legal profession. See Rule 37(16)(f); Reiner's Case, 152 N.H. 163 (2005). Accordingly, it is hereby ordered:

- (1) In accordance with Rule 37(9)(i) and (16)(f), Attorney Jason A. Czekalski is immediately suspended from the practice of law in New Hampshire pending resolution of the criminal charges against him and further order of this court.
- (2) Copies of the petition for immediate interim suspension and of this order shall be served on Attorney Czekalski by first class mail.
- (3) Within 15 days from the date of service, Attorney Czekalski may request a hearing on the issue of whether the interim suspension should be lifted, which will be promptly scheduled. See Reiner's Case,

152 N.H. 163 (2005).

- (4) Attorney Czekalski is enjoined from transferring, assigning, hypothecating, or in any manner disposing of or conveying any assets of clients, whether real, personal, beneficial or mixed.

Pursuant to Supreme Court Rule 37(17), Attorney Stephen A. Cherry is appointed to take immediate possession of the client files and trust and other fiduciary accounts of Attorney Czekalski, to make an inventory of such files and accounts, and to take such action as he deems necessary to protect the interests of Attorney Czekalski's clients. Attorney Cherry is directed to take the following actions:

- a. Attorney Cherry shall notify all employees of Attorney Czekalski of Attorney Czekalski's suspension from the practice of law and of Attorney Cherry's appointment by the court.
- b. Attorney Cherry shall notify all banks and other entities where any trust or fiduciary accounts and operating accounts of Attorney Czekalski are held of Attorney Czekalski's suspension and of Attorney Cherry's appointment by the court;
- c. Attorney Cherry shall review any client files that Attorney Czekalski maintained, and take such actions as he deems necessary to protect the interests of the clients.
- d. Attorney Cherry shall notify Attorney Czekalski's clients by certified mail, return receipt requested, of his suspension, informing them of any action which appears to be required in the immediate future in order to preserve their legal rights and advising them that they should obtain the services of other lawyers of their choice.
- e. Attorney Cherry shall make an inventory of Attorney Czekalski's client files and trust and other fiduciary accounts, and file a copy of the inventory with the court on or before April 1, 2013, together with a report of his actions taken under this order and a recommendation as to what further actions should be taken to protect the interests of Attorney Czekalski's clients.

Attorney Czekalski is ordered to cooperate with Attorney Cherry in performing these tasks.

The Committee on Professional Conduct shall pay the fees of Attorney Cherry, in the first instance, to be reimbursed by Attorney Czekalski, unless otherwise ordered by the court.

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

DATE: January 31, 2013

ATTEST:



**Eileen Fox, Clerk**

Distribution:  
Attorney Discipline Office  
Professional Conduct Committee  
Jason A. Czekalski, Esq.  
James P. O'Rourke, Jr., Esq.  
Thomas V. Trevethick, Esq.  
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File