

**THE STATE OF NEW HAMPSHIRE**

**SUPREME COURT**

**ORDER**

**LD-2013-0006, In the Matter of Catherine P. Bausha**

On July 3, 2013, the Professional Conduct Committee (PCC) filed an assented-to petition for disbarment of Attorney Catherine P. Bausha. The PCC alleges that Attorney Bausha violated Supreme Court Rules 50 and 50-A, and New Hampshire Rules of Professional Conduct 1.1, 1.3, 1.4, 1.15 (a)-(f), 3.3, 3.4(b), 8.1, 8.4(a), and 8.4(c). The petition states that Attorney Bausha consents to disbarment, and a "Stipulation & Consent to Disbarment" (hereinafter Stipulation), signed by Attorney Bausha and her counsel, is included in an appendix to the petition. In the Stipulation Attorney Bausha concedes that there is clear and convincing evidence that she violated the rules cited. She concedes that disbarment is the appropriate sanction for her misconduct and waives her procedural and substantive rights under Supreme Court Rules 37 and 37A, including the right to an evidentiary hearing before a hearing committee, to proceedings before the PCC, and to further proceedings before the Supreme Court.

In light of Attorney Bausha's Stipulation, and specifically, of her express waiver of her procedural rights under Supreme Court Rules 37 and 37A, the court concludes it is unnecessary to order that the petition be served upon Attorney Bausha, or to provide her with an opportunity to file an answer to the petition.

The PCC petition is based upon three matters docketed against Attorney Bausha. The first matter was based upon Attorney Bausha's report of her own conduct and a referral from Attorney Bausha's former law partner. The other two matters were based on complaints received from individuals. After receiving the initial self-report and referral, the PCC audited the financial records of Attorney Bausha's former law firm. It also conducted investigations into the other complaints. The PCC's audit and investigation established the following:

- 1) Attorney Bausha knowingly transferred client funds from the trust accounts of her former law firm into the law firm's operating account without proper documentation and prior to generation of an invoice and/or performing services.

- 2) Attorney Bausha used client funds to pay for operating expenses of her former law firm.
- 3) Attorney Bausha created false accounting documents and entries to facilitate or conceal the improper transactions involving client funds.
- 4) As a result of Attorney Bausha's improper transfer and use of client funds, the general client trust account of her former law firm was out of trust.
- 5) Because of a shortfall in the law firm's trust account, Attorney Bausha was unable to disburse funds to a client's spouse, as required by a court order.
- 6) Attorney Bausha failed to diligently and competently represent clients in a probate matter; misrepresented the status of the probate matter to her clients; prepared and filed pleading and other documents with the probate court without the knowledge or consent of her clients; and misrepresented the date, manner, and authenticity and authority of their execution.
- 7) Attorney Bausha misrepresented to the ADO and to successor counsel the extent to which she altered original documents and/or prepared new documents with false executions for filing in the probate matter.

In accordance with the parties' Stipulation, the court deems the PCC's allegations to have been admitted by Attorney Bausha. It concludes that Attorney Bausha's conduct violated Supreme Court Rules 50 and 50-A, and New Hampshire Rules of Professional Conduct 1.1, 1.3, 1.4, 1.15 (a)-(f), 3.3, 3.4(b), 8.1, 8.4(a), and 8.4(c).

Having determined that Attorney Bausha violated Supreme Court Rules 50 and 50-A, and New Hampshire Rules of Professional Conduct 1.1, 1.3, 1.4, 1.15 (a)-(f), 3.3, 3.4(b), 8.1, 8.4(a), and 8.4(c), the court turns to the issue of the sanction to be imposed. In light of the nature, extent, and severity of Attorney Bausha's misconduct, the court concludes that disbarment is the appropriate sanction in this case. Accordingly, the court grants the PCC's petition for disbarment.

THEREFORE, the court orders that Catherine P. Bausha be disbarred from the practice of law in New Hampshire, effective immediately. She 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 and Bassett, JJ., concurred.

DATE: July 11, 2013

ATTEST:

  
**Eileen Fox, Clerk**

Distribution:

Professional Conduct Committee, #10-022, #11-021, #11-071

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File