

**THE STATE OF NEW HAMPSHIRE**

**SUPREME COURT**

**ORDER**

**LD-2015-0005, In the Matter of Alexander R. Cain, Esquire**

On April 13, 2015, the Attorney Discipline Office filed a certified copy of the March 12, 2015 order of the Supreme Judicial Court for Suffolk County (Massachusetts), which suspended Attorney Alexander R. Cain from the practice of law in Massachusetts for three years.

The record of the Massachusetts disciplinary proceedings indicates that a petition for discipline was filed against Attorney Cain alleging that he committed misconduct in his handling of four separate legal matters. The petition alleged that Attorney Cain violated Massachusetts Rules of Professional Conduct 1.1, 1.2(a), 1.3, 1.4, 1.16(e), 8.4(c), (d) and (h), many of which were alleged to have been violated on multiple occasions. It alleged that Attorney Cain repeatedly and intentionally misrepresented to clients the status of their cases and fabricated court documents to support his misrepresentations. Attorney Cain filed an answer to the petition admitting the allegations and the rule violations. He agreed that a three year suspension was appropriate discipline. Bar Counsel and Attorney Cain filed a joint stipulation and recommendation with the Massachusetts Board of Bar Overseers recommending a three year suspension. The board voted to accept the joint stipulation and recommendation, and voted to file an information with the Supreme Judicial Court recommending that Attorney Cain be suspended from the practice of law for three years. After consideration, the Supreme Judicial Court issued an order imposing a three year suspension.

Supreme Court Rule 37(12)(b) provides in pertinent part:

Upon receipt of a certified copy of an order demonstrating that an attorney admitted to practice in this State has been disciplined in another jurisdiction, the court may enter a temporary order imposing the identical or substantially similar discipline or, in its discretion, suspending the attorney pending the imposition of final discipline.


In view of the seriousness of Attorney Cain's misconduct, the court finds that Attorney Cain's immediate suspension is necessary to protect the public and to preserve the integrity of the legal profession. See Reiner's Case, 152 N.H. 163 (2005). Accordingly, it is hereby ordered:

- (1) In accordance with Rule 37(12)(b) and (16)(f), Attorney Alexander R. Cain is immediately suspended from the practice of law in New Hampshire pending the imposition of final discipline.
- (2) Copies of this order and of the March 12, 2015 order of the Supreme Judicial Court for Suffolk County shall be served on Attorney Cain by first class mail and certified mail, return receipt requested. A copy of this order shall also be sent to the Professional Conduct Committee (PCC) by first class mail.
- (3) Within 15 days from the date of service, Attorney Cain 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) Rule 37(12)(d) authorizes the court to impose final discipline identical or similar to the discipline imposed by another jurisdiction unless the disciplined attorney or the PCC demonstrates, or the court finds, based upon one of the grounds as set forth in Rule 37(12)(d), that imposition of identical or substantially similar discipline would be unwarranted.
- (5) Within 30 days of service of this order, Attorney Cain and the PCC shall inform the court if they contend that the imposition of discipline substantially similar to that imposed by the Supreme Judicial Court for Suffolk County would be unwarranted, and if they so contend, of the reasons for their contention.
- (6) On or before May 7, 2015, the Attorney Discipline Office shall advise the court if it believes that an attorney should be appointed to make an inventory of Attorney Cain's files and to take action to protect the interests of his clients.

This order is entered by a single justice (Hicks, J.). See Rule 21(7).

DATE: April 22, 2015

ATTEST:

  
Eileen Fox, Clerk

Distribution:  
Professional Conduct Committee  
Janet F. DeVito, Esquire  
Alexander R. Cain, Esquire  
File