

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

ORDER

LD-2015-0002, In the Matter of Michael M. Burke, Esquire

On March 11, 2015, the Professional Conduct Committee (PCC) filed a petition for an eighteen month suspension of Attorney Michael M. Burke from the practice of law. In accordance with Supreme Court Rule 37(16), a copy of the petition was served upon Attorney Burke, along with an order requiring him to file an answer to the petition. Attorney Burke filed an answer to the petition, conceding that the PCC's findings of fact and rulings of law were supported by the evidence, and stating that he did not contest the PCC's recommendation for an eighteen month suspension. He asked the court to impose the suspension retroactive to the date that he closed his practice in anticipation of a resolution of this matter.

The misconduct complaint against Attorney Burke was submitted to the PCC on a stipulation of facts, violations and sanctions that had been agreed to by Disciplinary Counsel and Attorney Burke. Based on the stipulation, the PCC found that Attorney Burke violated the following rules:

- (1) Rule of Professional Conduct 1.1 and 1.3, which require a lawyer to provide competent representation to a client and to act with reasonable diligence and promptness in representing a client;
- (2) Rule of Professional Conduct Rule 1.4, which requires a lawyer to keep clients reasonably informed about the status of matters and to promptly comply with reasonable requests for information;
- (3) Rule of Professional Conduct 1.7, which prohibits a lawyer from representing a client if the representation involves a concurrent conflict of interest;
- (4) Rule of Professional Conduct 5.3, which requires a lawyer with direct supervisory authority over non-lawyer assistants to make reasonable efforts to ensure that the conduct of the non-lawyers assistants is compatible with professional obligations of the lawyer.
- (5) Rule of Professional Conduct 8.4(c), which makes it professional misconduct to engage in conduct involving dishonesty, fraud, deceit, or misrepresentation; and

- (6) Rule 8.4(a), which makes it professional misconduct to violate the Rules of Professional Conduct.

The PCC also approved the parties' stipulation as to the recommended sanction of an eighteen month suspension.

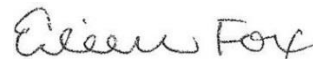
After reviewing the petition, the PCC's recommendation, and Attorney Burke's response, the court accepts the PCC's recommendation that Attorney Burke be suspended from the practice of law in New Hampshire for a period of eighteen months. Accordingly, the court orders as follows:

- (1) Attorney Michael M. Burke is suspended from the practice of law in New Hampshire for a period of eighteen months, with the suspension effective retroactively from March 5, 2015, the date of the PCC's recommendation.
- (2) Attorney Burke is ordered to reimburse the Attorney Discipline Office for all costs and expenses incurred by the attorney discipline system in the investigation and prosecution of this matter, as outlined in the PCC's recommendation of March 5, 2015.
- (3) Attorney Burke is ordered to comply with the provisions of Supreme Court Rule 37(13).
- (4) Within 30 days after the effective date of the suspension, Attorney Burke shall file with the court an affidavit showing that he has fully complied with the provisions of this order and with the requirements of Rule 37(13). A copy of the affidavit shall be sent to the Attorney Discipline Office.

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

DATE: May 21, 2015

ATTEST:



Eileen Fox, Clerk

Distribution:
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