

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

ORDER

LD-2004-0004, In the Matter of Arthur C. Randlett

On December 20, 2004, the Professional Conduct Committee filed a petition to disbar the respondent, Arthur C. Randlett. Shortly thereafter, the court issued an order requiring that the petition be sent to Attorney Randlett by certified mail and requiring Attorney Randlett to file an answer to the petition within 30 days of service. The petition and order were delivered to Attorney Randlett's last known address on December 24, 2004. No answer to the petition has been filed.

Rule 37(16)(c) provides that if a respondent attorney fails to answer a petition filed by the Professional Conduct Committee, the allegations of the petition "shall be deemed to be admitted and no further hearing shall be required." In this case, the petition alleged violations of the following Rules of Professional Conduct:

- (1) Rules 1.1 and 1.3. Rule 1.1 requires a lawyer to provide competent representation to a client and Rule 1.3 requires a lawyer to act with reasonable promptness and diligence in representing a client. The committee alleged that Attorney Randlett violated these rules by failing to file accurate, complete and timely tax and accounting documents on behalf of clients.
- (2) Rule 1.4(a) and (c). Rule 1.4(a) requires a lawyer to keep a client reasonably informed regarding the status of a matter and to promptly comply with requests for information. In accordance with Rule 1.4(c), a client is reasonably informed when information relevant to the protection of the client's interest is provided at an appropriate time and in an appropriate manner. The committee alleged that on many occasions Attorney Randlett failed to comply with requests from clients for information about their cases.
- (3) Rule 1.15(a)(1). This rule requires that a lawyer who is holding the property of another in connection with a representation hold the property separate from the lawyer's own property. The committee alleged that Attorney Randlett misappropriated funds, failed to deposit client retainers

into trust and withdrew funds from trust accounts for his own use prior to the funds being earned and without proper authorization.

- (4) Rule 1.15(a)(2) and Supreme Court Rule 50(2)A, C and F. These rules require a lawyer to maintain records regarding the handling and disposition of all client funds and property in the lawyer's possession. The committee alleged that Attorney Randlett failed to maintain the required records.
- (5) Rule 3.3(a)(1) and (3). Rule 3.3(a)(1) prohibits a lawyer from knowingly making a false statement of material fact or law to a tribunal and Rule 3.3(a)(3) prohibits a lawyer from offering evidence that the lawyer knows to be false. The committee alleged that Attorney Randlett made material misrepresentations on his annual trust accounting compliance certificates submitted to the Supreme Court. The committee also alleged that Attorney Randlett filed misleading documents with the probate court regarding an estate.
- (6) Rule 4.1(a). This rule prohibits a lawyer from making a false statement of material fact or law to a third person. The committee alleged that Attorney Randlett made numerous false statements of material fact to governmental entities and to individuals.
- (7) Rule 7.5(d). This rule permits a lawyer to state that he practices in a partnership only when that is the fact. The committee alleged that Attorney Randlett used letterhead that falsely implied that he was in partnership with another lawyer.
- (8) Rule 8.1(b). This rule prohibits a lawyer from failing to respond to a lawful demand for information from a disciplinary authority. The committee alleged that Attorney Randlett failed to respond to a letter of complaint from the committee.
- (9) Rule 8.4(c). This rule makes it professional misconduct to engage in conduct involving dishonesty, fraud, deceit or misrepresentation. The committee alleged that Attorney Randlett lied to clients on numerous occasions and misappropriated client funds.
- (10) Rule 8.4(a). This rule makes it professional misconduct to violate the Rules of Professional Conduct.

In accordance with Rule 37(16)(c), the committee's allegations are deemed admitted. Because of the number and seriousness of the violations, the court concludes that the respondent's violations of the Rules of Professional Conduct justify disbarment.

THEREFORE, Arthur C. Randlett is hereby disbarred from the practice of law in New Hampshire. He is ordered to notify the attorney discipline authority of any other jurisdictions in which he is licensed to practice law of the issuance of the court's order.

Arthur C. Randlett is hereby assessed all expenses incurred by the Committee on Professional Conduct in the investigation and prosecution of this matter.

Broderick, C.J., and Dalianis, Duggan and Galway, JJ., concurred.

DATE: March 22, 2005

ATTEST:


Eileen Fox, Clerk

Distribution:

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