

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

ORDER

LD-2016-0004, In the Matter of Thomas U. Gage, Esquire

On March 15, 2016, the Professional Conduct Committee (PCC) filed a recommendation that Attorney Thomas U. Gage be disbarred. The PCC's recommendation was based on a stipulation signed by Attorney Gage and Disciplinary Counsel, in which Attorney Gage admitted that he had violated numerous Rules of Professional Conduct and conceded that disbarment was the appropriate sanction for his misconduct.

After the PCC filed its recommendation, an order was issued, in accordance with Supreme Court Rule 37(16), notifying Attorney Gage and Disciplinary Counsel of the PCC's recommendation and advising them to notify the court of any legal or factual issues relating to the PCC's recommendation that they wished the court to review. The order stated that if neither party identified an issue to be reviewed, no further hearing would be required, and the court could decide the matter based upon the record of the PCC proceedings. No response to the order has been filed.

In the "Stipulation to Disbarment" filed with the PCC, Attorney Gage admitted that he violated the following Rules of Professional Conduct:

1. Rule 1.15, which requires a lawyer to safeguard the property of clients or third persons in his possession and Supreme Court Rules 50 and 50-A; which establish requirements for lawyer trust accounts;
2. Rule 3.2, which requires a lawyer to make reasonable efforts to expedite litigation consistent with the interests of the client;
3. Rule 3.3, which prohibits a lawyer from making false statements of fact or law to a tribunal;
4. Rule 3.4(c), which prohibits a lawyer from knowingly disobeying an obligation under the rules of a tribunal;
5. Rule 8.4(c), which prohibits a lawyer from engaging in conduct involving deceit, dishonesty, or misrepresentation; and
6. Rule 8.4(a), which prohibits a lawyer from violating the Rules of Professional Conduct.

Attorney Gage also stipulated that an audit of his IOLTA account showed that he misappropriated client funds in his possession, paid himself fees before

they were earned, commingled client funds with his own and operated his IOLTA account with a deficit balance or allowed it to be out of trust.

The court has reviewed the "Stipulation for Disbarment" and the PCC's recommendation that Attorney Gage be disbarred. After considering the nature, seriousness, and extent of Attorney Gage's misconduct, the court concludes that disbarment is the appropriate sanction in this case.

THEREFORE, the court orders that Thomas U. Gage be disbarred from the practice of law in New Hampshire. He 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, Lynn, and Bassett, JJ., concurred.

DATE: May 23, 2016

ATTEST:



Eileen Fox, Clerk

Distribution:
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File