

**THE STATE OF NEW HAMPSHIRE**

**SUPREME COURT**

**ORDER**

**LD-2016-0011, In the Matter of Gary J. Wood, Esquire**

On May 17, 2016, the Professional Conduct Committee (PCC) filed a recommendation that Attorney Gary J. Wood be disbarred. The PCC's recommendation was based on a "Stipulation to Disbarment" signed by Attorney Wood and Disciplinary Counsel, in which Attorney Wood admitted that the material facts set forth in the notices of charges filed by the Attorney Discipline Office (ADO) were true, and that the material facts found by the ADO's auditor were true. The audit demonstrated that Attorney Wood misappropriated client funds in his possession, routinely paid himself fees before they were earned, commingled client funds with his own funds, and operated his IOLTA account with a deficit or "out of trust."

In the stipulation, Attorney Wood admitted that violations of the following Rules of Professional Conduct could be proven by clear and convincing evidence:

1. Rule 1.1, which requires a lawyer to provide competent representation to a client;
2. Rule 1.3, which requires a lawyer to act with reasonable diligence and promptness in representing a client;
3. Rule 1.4, which requires a lawyer to keep a client reasonably informed of the status of a matter and to promptly comply with reasonable requests for information;
4. 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;
5. Rule 3.3, which prohibits a lawyer from making false statements of fact or law to a tribunal;
6. Rule 3.4(c), which prohibits a lawyer from knowingly disobeying an obligation under the rules of a tribunal;
7. Rule 4.4, which prohibits a lawyer from taking any action with the primary purpose of embarrassing, delaying or burdening a third person;
8. Rule 8.1(b), which prohibits a lawyer from failing to respond to a lawful demand for information from a disciplinary authority;

9. Rule 8.4(b), which makes it professional misconduct for a lawyer to commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer;
10. Rule 8.4(c), which prohibits a lawyer from engaging in conduct involving deceit, dishonesty, or misrepresentation; and
11. Rule 8.4(a), which prohibits a lawyer from violating the Rules of Professional Conduct.

After the PCC filed its recommendation for disbarment, an order was issued, in accordance with Supreme Court Rule 37(16), notifying Attorney Wood 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 was filed.

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

THEREFORE, the court orders that Gary J. Wood 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: July 11, 2016

ATTEST:

  
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**Eileen Fox, Clerk**

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