

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

O R D E R

LD-2015-0014, In the Matter of Jeremy A. Miller, Esquire

On December 10, 2015, the Professional Conduct Committee (PCC) filed a recommendation that Attorney Jeremy A. Miller be suspended from the practice of law for a period of one year and ordered to pay the costs associated with the investigation and enforcement of the disciplinary matter. The PCC's recommendation approved a stipulation executed by Attorney Miller and the Attorney Discipline Office's disciplinary counsel in which Attorney Miller agreed that that he had violated several Rules of Professional Conduct and further agreed that the appropriate sanction for these violations was a one-year suspension. In accordance with Supreme Court Rule 37(16), a copy of the PCC's recommendation was served upon Attorney Miller, along with an order requiring him and disciplinary counsel to identify any legal or factual issues that they wished the court to review. Neither Attorney Miller nor disciplinary counsel identified any issues for review.

Thereafter, the court ordered the parties to brief the issue of the appropriate sanction for Attorney Miller's misconduct. Disciplinary counsel filed a brief on the sanction issue. Attorney Miller failed to file a brief.

Based on the parties' stipulation, the PCC found that Attorney Miller violated the following Rules of Professional Conduct:

- (1) Rule of Professional Conduct 1.7, which prohibits a lawyer from representing a client if the representation may be materially limited by the lawyer's responsibilities to another client, a third person, or the lawyer's own interests, unless the lawyer reasonably believes that representation will not be adversely affected and the client consents after consultation and with knowledge of the consequences;
- (2) Rule 1.5, which prohibits a lawyer from charging or collecting a clearly excessive fee;
- (3) Rule 8.4(c), which makes it professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation;

- (4) Rule 3.4(c), which prohibits a lawyer from knowingly disobeying an obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists; and
- (5) Rule 8.4(a), which makes it professional misconduct to violate the Rules of Professional Conduct.

After reviewing the PCC's recommendation, and the brief filed by disciplinary counsel, and considering the seriousness of Attorney Miller's misconduct, the court accepts the PCC's recommendation that Attorney Miller be suspended from the practice of law in New Hampshire for a period of one year. Accordingly, the court orders as follows:

- (1) Attorney Jeremy A. Miller is suspended from the practice of law in New Hampshire for a period of one year. The suspension shall take effect on September 7, 2016, unless a motion for reconsideration is filed.
- (2) Attorney Miller 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.
- (3) Attorney Miller 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 Miller shall file with the court an affidavit showing that he has fully complied 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, and Lynn, JJ., concurred.

DATE: August 25, 2016

ATTEST:


Eileen Fox, Clerk

Distribution:
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