

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

ORDER

LD-2016-0012, In the Matter of Vaughn Tamzarian, Esquire

On June 16, 2016, the Professional Conduct Committee (PCC) filed a recommendation that Attorney Vaughn Tamzarian be disbarred. The recommendation was based, in part, on the PCC's finding that Attorney Tamzarian had exercised control over the money of two clients with a purpose to deprive them of it. The PCC found that this conduct amounted to theft and violated numerous Rules of Professional Conduct. The PCC also recommended that Attorney Tamzarian be ordered to pay the costs associated with the investigation and prosecution of this matter.

On July 5, 2016, an order was issued to notify Attorney Tamzarian of the filing of the PCC's recommendation. The order stated that Attorney Tamzarian and the Attorney Discipline Office's Disciplinary Counsel must notify the court by August 4, 2016, if they wished the court to review any legal or factual issues relating to the PCC's recommendation. The order stated that if neither party identified an issue to be reviewed, no further hearing on the PCC's recommendation would be required, and the court could decide the matter based upon the record of the PCC proceedings.

The order was mailed to Attorney Tamzarian by first class and certified mail at the latest address that Attorney Tamzarian provided to the New Hampshire Bar Association. Both copies of the order were returned to the court. In accordance with Supreme Court Rule 42E(c), Attorney Tamzarian is deemed to have received notice of this matter. No response to the court's July 5, 2016 order was filed. Accordingly, no further hearing will be scheduled and the matter will be decided based on the record of the PCC's proceedings.

The PCC found that Attorney Tamzarian violated the following Rules of Professional Conduct:

1. Rule 1.1, which requires a lawyer to provide competent representation;
2. Rule 1.3, which requires a lawyer to act with reasonable diligence in representing a client;
3. Rule 1.7, which prohibits a lawyer from representing a client if the representation involves a concurrent conflict of interest;
4. Rule 1.15, which requires a lawyer to safeguard the property of clients;

5. Rule 1.16(a)(1), which prohibits a lawyer from representing a client if the representation will result in violations of the Rules of Professional Conduct;
6. Rule 3.3, which prohibits a lawyer from knowingly making false statements to a tribunal;
7. Rule 5.5, which prohibits the unauthorized practice of law;
8. Rule 8.4(b), which makes it professional misconduct to commit a criminal act;
9. Rule 8.4(c), which makes it professional misconduct to engage in conduct involving dishonesty, fraud, deceit, or misrepresentation; and
10. Rule 8.4(a), which prohibits a lawyer from violating the Rules of Professional Conduct.

The court has reviewed the record of the PCC proceedings in this case. It concludes that the record supports the PCC's findings. After considering the nature, seriousness, and extent of Attorney Tamzarian's misconduct, the court concludes that disbarment is the appropriate sanction in this case.

THEREFORE, the court orders that Vaughn Tamzarian 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: September 19, 2016

ATTEST:



Eileen Fox, Clerk

Distribution:

✓ Attorney Discipline Office, 14-018
Vaughn Tamzarian, Esquire
David M. Rothstein, Esquire
File