

**THE STATE OF NEW HAMPSHIRE**

**SUPREME COURT**

**ORDER**

**LD-2017-0002, In the Matter of Laird James Heal, Esquire**

On January 6, 2017, the Attorney Discipline Office (ADO) filed a certified copy of the December 22, 2016 order of the Supreme Judicial Court for Suffolk County (Massachusetts) disbaring Attorney Laird James Heal. After receiving the Supreme Judicial Court order, this court issued an order suspending Attorney Heal on an interim basis. The order also gave Attorney Heal and the Professional Conduct Committee (PCC) an opportunity to advise the court if they believed that the imposition of identical or substantially similar discipline would be unwarranted. See Rule 37(12)(b). The PCC advised the court that it believed that disbarment was warranted. Attorney Heal filed no response.

Supreme Court Rule 37(12), which sets forth the procedure to be followed in reciprocal discipline cases, calls for the court to impose identical or substantially similar discipline unless it determines that such discipline would be unwarranted based on the existence of certain factors. Paragraph 37(12)(d) provides in pertinent part:

(d) Upon the expiration of thirty (30) days from service of the notice pursuant to subparagraph (b), the court shall issue an order of final discipline imposing the identical or substantially similar discipline unless the attorney or professional conduct committee demonstrates, or the court finds that it clearly appears upon the face of the record from which the discipline is predicated, that:

- (1) The procedure was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process; or
- (2) The imposition of the same or substantially similar discipline by the court would result in grave injustice; or
- (3) The misconduct established warrants substantially different discipline in this State.

Having reviewed the Supreme Judicial Court order and the summary of the proceeding prepared by the Massachusetts Board of Bar Overseers, the court concludes that the imposition of identical discipline is warranted. The Board of Bar Overseers' summary states that Attorney Heal submitted an affidavit of resignation in which he acknowledged that he willfully or intentionally misused funds held in an escrow account in connection with a

bankruptcy case. The Supreme Judicial Court accepted the affidavit of disbarment and entered an order of disbarment.

The PCC contends that Attorney Heal's conduct violated several New Hampshire Rules of Professional Conduct, including Rule 1.4, requiring a lawyer to keep a client reasonably informed about the status of a matter; Rule 1.15, requiring the safekeeping of property of clients and third parties by a lawyer; Rule 8.4(c), making it misconduct for a lawyer to engage in conduct involving dishonesty; and Rule 8.4(a), making it misconduct to violate the Rules of Professional Conduct.

Based upon its review of the record of the Supreme Judicial Court, the court concludes that Attorney Heal should be disbarred. It is unable to find, on the face of the record, any of the factors that would make the imposition of identical or substantially similar discipline unwarranted.

Accordingly, the court orders as follows:

- (1) Attorney Laird James Heal is disbarred from the practice of law in New Hampshire.
- (2) Attorney Heal shall reimburse the ADO for all costs and expenses incurred in the investigation and prosecution of this matter.
- (3) If Attorney Heal seeks readmission to the New Hampshire bar in the future, he shall be required to take the New Hampshire Bar Examination and the Multistate Professional Responsibility Examination and meet the other requirements of Rule 37(14).

Dalianis, C.J., and Hicks, Conboy, Lynn, and Bassett, JJ., concurred.

DATE: March 28, 2017

ATTEST:

  
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**Eileen Fox, Clerk**

Distribution:

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File