

New Hampshire Supreme Court
Professional Conduct Committee

a committee of the attorney discipline system

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Buck, Christopher C. advs. Attorney Discipline Office - #16-038

SIX-MONTH SUSPENSION AND ORDER ON COSTS

On June 20, 2017, the Professional Conduct Committee (“the Committee”) deliberated the Stipulation as to Facts, Violations and Sanction (“the Stipulation,” attached as **Exhibit A**), and the Agreement to Pay Costs of Disciplinary Matter (attached as **Exhibit B**). Members present included David M. Rothstein, Chair; Elaine Holden, Vice Chair; Peter G. Beeson; Caroline K. Leonard; David W. McGrath; Georges J. Roy; and Martha Van Oot. Heather E. Krans, Vice Chair; Susan R. Chollet; Richard H. Darling; Margaret R. Kerouac; and Mona T. Movafaghi were absent.

The Committee approved the facts as stipulated by clear and convincing evidence. It further found that Christopher C. Buck’s conduct violated Rules of Professional Conduct 3.4(c); 8.1; and 8.4(a), as stipulated.

The Committee also concluded that a Six-Month Suspension is appropriate. Its sanction is in accord with the purposes of attorney discipline. *See e.g., Conner’s Case* 158 N.H. 299, 303 (2009); *Richmond’s Case*, 152 N.H. 155, 159-60 (2005). The sanction is also in accord with the *ABA Standards for Imposing Lawyer Sanctions* (2005) (“Standards”).

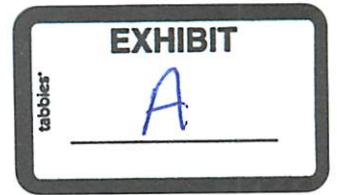
Having approved the stipulated sanction, the Committee approved the agreement that Christopher C. Buck shall reimburse the Committee for all costs of investigation and prosecution of this matter.

June 20, 2017



David M. Rothstein
Chair

cc: Elizabeth M. Murphy, Assistant Disciplinary Counsel
Christopher C. Buck
File



NEW HAMPSHIRE SUPREME COURT
PROFESSIONAL CONDUCT COMMITTEE

Buck, Christopher C.

advs.

Attorney Discipline Office

#16-038

STIPULATION AS TO FACTS, VIOLATIONS,
AND SANCTION: SIX-MONTH SUSPENSION

Respondent Christopher C. Buck and the Attorney Discipline Office
("ADO") stipulate as follows:

A. Facts

1. Christopher C. Buck ("Mr. Buck") was admitted to practice law in New Hampshire on November 5, 2008. He was administratively suspended from the practice of law on June 22, 2015. *In the Matter of Christopher C. Buck* – ADM-2015-0024.
2. Mr. Buck has not been admitted to practice law in any other jurisdiction.
3. At all times material to this proceeding, Mr. Buck maintained a solo practice as The Buck Law Firm located at 315 Springbrook Circle, Portsmouth, New Hampshire 03801.
4. Mr. Buck does not have a previous disciplinary history.
5. This disciplinary matter arises from an October 7, 2016 referral from New Hampshire Supreme Court Clerk Eileen Fox ("Ms. Fox") forwarding

the July 29, 2016 report of counsel appointed to take an inventory of Mr. Buck's files and trust accounting records. The matter was referred to Disciplinary Counsel on December 15, 2016.

6. By way of further background, on May 1, 2015, the New Hampshire Supreme Court ("Court") issued a show cause order which required Mr. Buck to file his certificate of compliance with the minimum continuing legal education ("MCLE") requirement for the reporting year ending June 30, 2014, and to pay late fees assessed or be suspended from the practice of law in New Hampshire.
7. Mr. Buck failed to respond to the show cause order or bring himself into compliance with Supreme Court Rule 53, which governs the MCLE requirement.
8. As a result, on June 22, 2015, the Court entered an order suspending Mr. Buck from the practice of law in New Hampshire and for an audit of Mr. Buck's trust accounts and other financial records. As part of the Court's order, Mr. Buck was to notify his clients in writing that he had been suspended from the practice of law in New Hampshire and notify the ADO by Wednesday, July 22, 2015, that he had completed this task. The Court further ordered that the ADO advise the Court by August 3, 2015, if it believed that an attorney should be appointed to take an inventory of Mr. Buck's files and to take action to protect the interests of his clients.

9. By letter dated June 25, 2015, then Deputy General Counsel James L. Kruse ("Mr. Kruse") sent a letter to Mr. Buck requiring him to notify the ADO in writing no later than July 22, 2015 as to whether Mr. Buck had any active or open New Hampshire client files and New Hampshire client funds, and, if so, whether he had notified all his clients in writing that he was suspended.

10. Mr. Buck filed a response on July 20, 2015, stating:

At the beginning of this year, I moved to a new non-legal job, and informed all of my clients of the same. I didn't pay attention to the letters regarding CLE's [sic] or my suspension because, frankly, I didn't have the means to pay the fees, or the fines, and was buried in debt. Though I'm still dealing with those issues, I have been persuaded by my family that my law license is worth holding onto [sic]. I hope this response is a helpful step in that direction.

11. Mr. Buck's response further explained:

I do not have any current clients. When I accepted the position in December of 2014, I began winding down my relationships with my clients. The only vestiges of my solo practice are recurring payments from clients or opposing parties. In particular, I receive the following monthly payments (though I do not perform any legal services any longer, and have submitted my withdrawals in all of the cases):

1. A former small-claims client, who I referred to One Client Matters, LLC and counsel agreed to a referral fee, and the case settled in June, 2015. My monthly revenue under the agreement is \$50.

2. \$300 monthly as part of a negotiated settlement. Opposing party was ordered to pay my attorney's fees to me directly. I have a \$500 payment to make to my former client's doctor, and then the \$300 monthly payment will go entirely toward attorney's fees. To be clear, I do not handle the monthly alimony payments of \$2,400. I only receive the \$300 checks for attorney's fees. My withdrawal to the court

and disengagement letter to my client were completed in 2014 at the conclusion of the case.

3. Otherwise, I have an amount of \$600 to return to a former client, whom I have not worked for in any capacity since 2013. He went on to represent himself in his divorce case, and we corresponded briefly by email at beginning of this year, but did not connect, so that I could return him his retainer.

Pursuant to the Court's order, I will inform the two former divorce clients of my suspension, since I still have monies of theirs in trust, and will write checks to them forthwith.

12. On July 29, 2015, Mr. Kruse sent a follow up letter to Mr. Buck in which he agreed that an attorney to inventory files and an audit would not be necessary, but requested that Mr. Buck provide additional information to confirm his statements no later than August 14, 2015.
13. On the same day, Mr. Kruse sent a letter to Ms. Fox wherein he advised that under the circumstances, it appeared unnecessary to appoint an attorney to inventory files or to take any other action at that time. However, Mr. Kruse reiterated that he had requested further confirmation from Mr. Buck by August 14, 2015 regarding "his proper handling of client funds."
14. Thereafter, Mr. Buck failed to provide the requested information to Mr. Kruse.
15. In an August 26, 2015 telephone call, Mr. Buck assured Mr. Kruse that the information was forthcoming. Despite Mr. Buck's assurances, the ADO did not receive any of the additional requested information.
16. Mr. Kruse left another telephone voice message for Mr. Buck on September 4, 2015. Mr. Buck did not reply.

17. On September 14, 2015, Mr. Kruse sent a letter to Ms. Fox advising the Court of Mr. Buck's failure to respond to the ADO, and recommending that an attorney be appointed for an inventory of Mr. Buck's remaining files.
18. Mr. Buck sent an email on September 18, 2015, to Mr. Kruse in which he requested that the ADO withdraw the recommendation for an audit.
19. On October 2, 2015, Mr. Buck sent an email to Mr. Kruse with a subject line "Client wind down." In his email, Mr. Buck stated:

I've made progress on untangling myself from former clients. The woman making \$300 payments monthly has new representation, and I'm working with Counsel on transitioning all accounting over to him. He would collect all checks from now on, and then cut checks to me for attorney's fees. Counsel is David Carron.

I also just got in touch with the both of them about paying her medical bills to the doctor. I'll pay \$1,100 from my trust to the doctor.

I can cut a check to my other former client, the divorce case. That would have things completely wrapped up. I can then close out my trust account.

I hope that's encouraging enough to avoid an audit. Please let me know.
20. Mr. Kruse replied via email on October 2, 2015, and requested Mr. Buck respond in writing to the ADO addressing the questions set forth in his letters dated June 25, 2015 and July 29, 2015.
21. On October 13, 2015, the Court entered an order appointing Richard E. Samdperil, Esq. ("Mr. Samdperil") of Samdperil & Welsh, PLLC, Exeter, New Hampshire to perform an inventory and instructing Mr. Samdperil

to take possession of the New Hampshire client files, trust and other fiduciary accounts of Mr. Buck.

22. On October 19, 2015, Mr. Samdperil contacted Mr. Buck via telephone and advised him of the Court's order of October 13, 2015. At that time, Mr. Buck acknowledged receipt of the order, and provided an updated email address to facilitate correspondence. Mr. Samdperil followed up with an email to arrange the transfer of Mr. Buck's files.
23. On October 20, 2015, Mr. Samdperil sent a follow-up email to Mr. Buck requesting a time to take possession of the files.
24. Mr. Buck responded to Mr. Samdperil via email that same day, advising that he intended to file an objection or motion to reconsider with the Court, and would copy him on any pleading.
25. On October 26, 2015, Mr. Samdperil sent Mr. Buck an email, indicating that he had not received any pleadings and suggesting a meeting for the following day. Mr. Buck replied that he was not available to meet during business hours on weekdays, "was under a lot of pressure at work," and had not completed the pleading but would send a copy when he did.
26. On October 27, 2015, Mr. Samdperil once again emailed Mr. Buck stating that he needed to proceed as the Court ordered. Mr. Samdperil further wrote: "I understand that you have work obligations during regular business hours. Please feel free to suggest some evening or weekend times and I will do my best to accommodate you." Mr. Buck did not reply to the email.

27. On October 30, 2015, Mr. Samdperil emailed Mr. Buck again stating: I thought I would make one more attempt to schedule something with you. I am around this weekend if there is a good time. I receive emails on my phone, so feel free to contact me over the weekend.” Mr. Buck did not reply to the email.
28. Given Mr. Buck’s lack of response, Mr. Samdperil attempted to investigate the matter with the information he did have. On November 3, 2015, Mr. Samdperil contacted David Carron, Esq. to verify that some of Mr. Buck’s matters had been transferred to him. Mr. Carron advised that all matters were closed with the exception of some on-going financial issues for one client, Ms. Victoria McLaughlin, formerly known as Marie Barkley. (Randy Barkley & Marie Barkley, Case No. 226-2008-DM-00814, 9th Circuit Court – Family Division - Nashua).
29. Mr. Samdperil also contacted the Circuit Court call center on November 3, 2015 and requested a search of all cases (in all courts) where Mr. Buck appeared as counsel of record. Mr. Samdperil was advised that Mr. Buck was counsel of record for 14 cases, and all but one were closed. The case summary in the remaining matter showed no new activity since October 27, 2014.
30. On November 3, 2015, Mr. Samdperil sent a letter to Mr. Buck via certified mail and email stating:

I have received no reply to my last two emails, which were sent on October 27 and October 30. I need to move forward or report back to the Court that you are not cooperating with the inventory. . . .

With that in mind, I would like all New Hampshire client files and trust and other fiduciary accounts delivered to my office by **5:00 p.m. on Thursday, November 5, 2015**. My office address is below. It is my understanding that some or all of your files may be accessible via DropBox. If that is the case, please provide me with the appropriate username and password so that I may access those materials.

If you would like to make different arrangements than what I have listed above, I am still open to discussing that and this is your opportunity to do so. . . .

31. Mr. Buck sent a reply that day to Mr. Samdperil's email of October 30, 2015. Mr. Buck stated that he was "working on motions now," and that one would state that "there is nothing to audit." Mr. Buck also indicated that he had two remaining files. With respect to client trust funds, he stated:

One former client's check is going out in the mail (at her request) tomorrow, and I have arrangements for the last \$700¹ or so to go to the last client after that. Which is to say, all monies will be paid and my trust account can be closed.

32. Mr. Samdperil replied on November 4, 2015, via email, in relevant part, stating:

I assume you also received my email yesterday asking that you deliver all NH client files and accounts to me by 5:00 tomorrow, Thursday, 11/5/15. A copy of a letter stating the same thing, which was also mailed to you yesterday, is attached.

Despite any arrangements you may have made, you must provide me access to your client files and accounts. If appropriate, disbursements will be made to clients. I appreciate that you want to tie up loose ends yourself without incurring more expenses, but my direction from the Court is clear. . . .

¹ The actual amount of the refund was \$841.50.

Again, I am happy to pick up files at your office or home if that is easier. But I need to move forward with the inventory of files and accounts.

33. On November 10, 2015, Mr. Buck contacted Mr. Samdperil via email and acknowledged receipt of the certified letter on November 5, 2015. In the email Mr. Buck indicated a further response was forthcoming, but, thereafter, Mr. Samdperil did not receive any further communications from Mr. Buck.
34. On November 20, 2015, Mr. Samdperil filed an Interim report with the Clerk of the New Hampshire Supreme Court. The report set forth Mr. Samdperil's detailed account of communications with Mr. Buck and his attempts to access Mr. Buck's files and accounts.
35. Mr. Samdperil filed a second report dated December 14, 2015 with the Court and requested an Order referring the matter to the ADO for further investigation regarding Mr. Buck's continued non-compliance with the Court's Order.
36. On December 22, 2015, the Court issued an Order that Mr. Buck immediately provide Mr. Samdperil with his client files and with access to his trust and fiduciary accounts by January 8, 2016.
37. On January 8, 2016, Mr. Samdperil sent a letter to the Court advising that Mr. Buck had been in contact with him and he was scheduled to take possession of Mr. Buck's client files on January 8, 2016. Mr. Samdperil indicated that Mr. Buck had provided his account ledger and a recent bank statement.

38. On February 15, 2016, Mr. Samdperil filed his third report to the Court, wherein Mr. Samdperil advised:

Although counsel is still waiting for additional bank information in order to confirm Attorney Buck's IOLTA account has a \$0 balance and is now closed, Attorney Buck has substantially complied with the Court's December 22, 2015 order.

39. Mr. Samdperil further stated:

Counsel is still waiting for Attorney Buck to provide a copy of his December 2015 IOLTA bank statement so that counsel can verify that the account is in fact closed. Attorney Buck has indicated that he will provide that document.

40. Thereafter, Mr. Buck did not provide Mr. Samdperil with a copy of the December 2015 IOLTA statement.

41. On July 29, 2016, Mr. Samdperil filed a fourth report with the Court. In the report, Mr. Samdperil advised:

Counsel requested that Attorney Buck provide a copy of his December 2015 IOLTA bank statement so that counsel can verify that the account is in fact closed. Despite repeated contacts, Attorney Buck has never provided that document.

42. In his conclusion, Mr. Samdperil stated:

Based upon Attorney Buck's representations, the client files and financial information that Attorney Buck has provided, and Odyssey case summaries, counsel believes that Attorney Buck is not currently engaged in the practice of law in New Hampshire and does not have any current clients. To the extent that Attorney Buck continued to receive and disburse monies after his suspension, Attorney Buck's financial records purport to show that all client funds were disbursed or returned by December 10, 2015. No further bank records or financial information has been forthcoming. Counsel has taken possession of those client files, and those clients have been notified of Attorney Buck's suspension.

As noted in prior reports, Attorney Buck continued to receive, dispense or hold client monies for a significant period of time after his suspension and after he withdrew in those matters. These circumstances are unusual and raise questions about the nature of Attorney Buck's involvement in those cases, particularly after his suspension. [Footnote omitted.] Additionally, Attorney Buck's failure to provide promised trust account bank records means that counsel cannot verify that client trust accounts are closed and that client funds were dispersed in the manner represented in Attorney Buck's trust account spreadsheet.

43. Mr. Samdperil requested that the matter be closed and requested that the ADO conduct a further investigation, if the Court determined it was warranted.
44. On August 3, 2016, Mr. Samdperil filed his final Attorney's Statement and itemized billing report with the Court.
45. On October 7, 2016, based upon the July 29, 2016 report of Mr. Samdperil, Ms. Fox referred this matter to the ADO.
46. On October 17, 2016, General Counsel Janet DeVito ("Ms. DeVito") docketed the referral as a complaint and requested a mandatory reply from Mr. Buck by November 4, 2016. In the letter, Ms. DeVito also requested that Mr. Buck produce his IOLTA bank statements from January 1, 2015, through the date of the letter, as well as account ledgers and client ledgers for the same time period.
47. Mr. Buck did not file a reply or produce the requested documents by November 4, 2016.

48. On November 7, 2016, Ms. DeVito sent a follow-up letter to Mr. Buck requesting an immediate response. Mr. Buck did not respond to that letter.
49. On December 15, 2016, the Complaint Screening Committee referred the matter to Disciplinary Counsel for further action.
50. On January 19, 2017, undersigned counsel wrote to Mr. Buck renewing Ms. DeVito's requests and requiring that all documents be produced by February 6, 2017. It was also requested that Mr. Buck call the ADO to schedule an appointment to meet with undersigned counsel no later than February 6, 2017.
51. On February 3, 2017, Mr. Buck called the ADO and spoke with undersigned counsel's legal assistant, Ms. Gladys Strickhart, requesting to provide the IOLTA statements by email. Mr. Buck emailed undersigned counsel later that afternoon and a telephone conference was scheduled for February 6, 2017. Mr. Buck spoke with undersigned counsel on February 6, 2017 regarding the matter. On February 8, 2017, Mr. Buck provided his IOLTA account statements from January 1, 2015 through December 31, 2016.
52. A review of the IOLTA bank statement reflects that as of December 21, 2015 the IOLTA account was \$0.00 after check #4158 cleared. The December 2015 transactions were consistent with the explanations given to Mr. Samdperil. On December 10, 2015, Mr. Buck refunded a client, that he had previously been unable to find, \$841.00. The check cleared

on December 21, 2015. A \$0.00 balance was maintained in the account through the December 2016 statement.

53. A meeting originally scheduled with undersigned counsel for February 24, 2017 was cancelled at Mr. Buck's request.
54. Mr. Buck met in person with undersigned counsel on March 29, 2017 at the ADO. Ms. Cecie Hartigan of the New Hampshire Lawyer's Assistance Program ("NHLAP") attended the meeting at Mr. Buck's request. Mr. Buck has not entered into a formal contract with NHLAP and does not intend to do so at this time.
55. Since February 2017, Mr. Buck has provided the requested documentation including account ledgers, sufficiently explained his reasons for the client trust account activity after the Court's June 22, 2015 order and has been reasonably cooperative with undersigned counsel.
56. After December 2015, Mr. Buck had been unsure as to whether it was appropriate to close his client trust account. He was not actively practicing law at that time and was administratively suspended. At the ADO's request, Mr. Buck closed his client trust account on April 13, 2017. He provided verification that the account was closed on April 20, 2017.
57. Mr. Buck understands that he will need to open a new client trust account at such time as his administrative suspension is lifted and his

disciplinary suspension is served and if he chooses to resume the practice of law as a solo practitioner.

58. Mr. Buck began to wind down his law practice in November 2014, after receiving a job offer from Liberty Mutual Insurance Company. Mr. Buck decided to close his law practice because he was not financially “making ends meet” as a solo practitioner. His practice area, family law, was also stressful to him.
59. Mr. Buck has been employed at Liberty Mutual in a non-legal capacity as a “Business Systems Analyst” since January 5, 2015. Mr. Buck has been receiving short-term disability benefits for several weeks and received such benefits from Liberty Mutual until June 5, 2017. As of June 5, 2017, Mr. Buck’s employment with Liberty Mutual was terminated (due to a reduction in force).
60. At this time, Mr. Buck plans to pursue work that does not involve the practice of law. Mr. Buck was accepted into the University of New Hampshire Code Bootcamp program in late May, 2017. The program is scheduled to start on June 5, 2017. Mr. Buck plans to defer his enrollment in the program because, as of June 5, 2017, he is pursuing a new employment opportunity, anticipating a job offer, as a web developer with a New Hampshire company.
61. During 2015 and 2016, Mr. Buck was suffering from mental health issues that included depression and anxiety for which he sought counseling and treatment through an individual therapist and his

primary care physician. He also received treatment for issues related to a diagnosis of ADHD. He was also experiencing significant financial issues. Mr. Buck also experienced severe stress which he related to his job at Liberty Mutual.

62. In December 2016, he began treatment with a psychiatrist and in March 2017, he and his wife began therapy with a marriage counselor. At this time, Mr. Buck's continued treatment is dependent upon the status of his health insurance benefits. Mr. Buck intends to resume active treatment once he has health insurance benefits.
63. The parties have agreed to the Rule violations and sanction below as the appropriate resolution for Mr. Buck's conduct including his failure to follow Supreme Court orders and his lack of cooperation with the ADO.

B. Disciplinary Rules Violated

64. The parties agree that Mr. Buck's conduct in this case involves violations of the New Hampshire Rules of Professional Conduct, as follows:

Rule 3.4(c): Fairness to Opposing Party and Counsel

65. The facts set forth above are incorporated by reference.
66. Rule 3.4(c) states as follows:

A lawyer shall not:

(c) knowingly disobey an obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists;

67. Mr. Buck knew that he was obligated to comply with the Court's orders of June 22, 2015, October 13, 2015 and December 22, 2015.

68. Mr. Buck failed to comply with the June 22, 2015 order by failing to immediately suspend his use of his client trust account, and his failure to cooperate with the ADO's requests to determine whether an inventory was necessary.
69. Mr. Buck failed to comply with the October 13, 2015 order by failing to cooperate with Mr. Samdperil to facilitate turning over client files and client trust account information promptly.
70. Mr. Buck failed to comply with the December 22, 2015 order when he failed to provide his December 2015 IOLTA statement to Mr. Samdperil.
71. Mr. Buck's failure to comply with the Court's Orders of June 22, 2015, October 13, 2015 and December 22, 2015 constitutes a violation of Rule 3.4(c).
72. The parties agree that there is clear and convincing evidence that Mr. Buck's conduct, as described herein, constitutes a violation of Rule 3.4(c).

Rule 8.1: Bar Admission and Disciplinary Matters

73. The facts set forth above are incorporated by reference.
74. Rule 8.1 states as follows:

An applicant for admission to the bar, or a lawyer in connection with a bar admission application or in connection with a disciplinary matter, shall not:

- (a) knowingly make a false statement of material fact; or
- (b) fail to disclose a fact necessary to correct a misapprehension known by the person to have arisen in the matter, or knowingly fail to respond to a lawful demand for information from an admissions or disciplinary authority,

except that this Rule does not require disclosure of information otherwise protected by Rule 1.6; or

- (c) fail to attend a hearing when ordered to do so by a disciplinary authority.

- 75. The term “knowingly” not only includes actual knowledge, but knowledge inferred from the circumstances. See Rule 1.0(f).
- 76. Mr. Buck knew that he was required to cooperate with Mr. Kruse during the summer of 2015.
- 77. Mr. Buck failed to provide documentation that Mr. Kruse requested.
- 78. Mr. Buck also knew that he was required to respond to Ms. DeVito’s October 17, 2016 and November 7, 2016 letters.
- 79. Mr. Buck failed to reply to Ms. DeVito’s inquiries.
- 80. The parties agree that there is clear and convincing evidence that Mr. Buck violated Rule 8.1(b) when he failed to comply with the requests for documentation and information from the Attorney Discipline Office.

Rule 8.4(a): General Rule

- 81. Having found the foregoing violations, there is clear and convincing evidence that Mr. Buck’s conduct, as described herein, violated Rule 8.4(a).

C. Recommended Sanction

- 82. The Attorney Discipline Office and Mr. Buck jointly agree that a six-month suspension is the appropriate sanction in this matter. This sanction would serve the purposes of attorney discipline.

83. Both case law and the American Bar Association's *Standards for Imposing Lawyer Sanctions* (2005) ("*Standards*") support this sanction.
84. The purpose of the Court's disciplinary power is "protecting the public, maintaining public confidence in the bar, preserving the integrity of the legal profession, and preventing similar conduct in the future." *Conner's Case*, 158 N.H. 299, 303 (2009). "The sanction . . . must take into account the severity of the misconduct." *Coffey's Case*, 152 N.H. 503, 513 (2005).
85. Although the Court has not adopted the *Standards*, it looks to them for guidance. *Conner's Case*, 158 N.H. at 303. The *Standards* set forth a four part analysis for courts to consider in imposing sanctions: "(a) the duty violated; (b) the lawyer's mental state; (c) the potential or actual injury caused by the lawyer's misconduct; and (d) the existence of aggravating or mitigating factors." *Id.* (quoting *Douglas' Case*, 156 N.H. 613, 621 (2007)); *Standards* § 3.0.
86. The first three parts of the analysis create the framework for characterizing the misconduct and determining a baseline sanction. *See Conner's Case*, 158 N.H. at 303 (stating that "[i]n applying these factors, the first step is to categorize the respondent's misconduct and identify the appropriate sanction"). Once the baseline sanction is determined, the Court then looks to the fourth and final part of the analysis: the existence of any aggravating or mitigating factors, and whether they affect the baseline sanction. *See id.* (stating that "[a]fter determining the

sanction, [the Court] consider[s] the effect of any aggravating or mitigating factors on the ultimate sanction”).

87. Under the first prong of the analysis, Mr. Buck violated duties owed to the legal system and the legal profession. *See Standards* §§ 6.2 and 7.0.
88. With respect to Mr. Buck’s mental state under the second prong of the sanction analysis, the parties agree that Mr. Buck’s mental state was knowing with respect to the Rule violations.
89. The third prong of the sanction analysis requires an assessment of the actual or potential injury caused by Mr. Buck’s misconduct.
90. Mr. Buck’s conduct resulted in actual injury to the legal system and the profession in that resources of the Supreme Court, the ADO and Mr. Sandperil were diverted to address Mr. Buck’s matter when the requests for information and documentation could have easily been provided by Mr. Buck.
91. The parties agree that the baseline sanction in this matter is a suspension. *See Standards* §§ 6.22 and 7.2.
92. Mr. Buck’s violation of Rule 3.4(c)(Fairness to Opposing Party and Counsel) implicates Section 6.2 of the *Standards*. That Section provides:
 - 6.21 Disbarment is generally appropriate when a lawyer knowingly violates a court order or rule with the intent to obtain a benefit for the lawyer or another, and causes serious injury or potentially serious injury to a party or causes serious or potentially serious interference with a legal proceeding.
 - 6.22 **Suspension is generally appropriate when a lawyer knows that he or she is violating a court order or rule, and causes injury or potential injury to a client or a party, or**

causes interference or potential interference with a legal proceeding.

- 6.23 Reprimand is generally appropriate when a lawyer negligently fails to comply with a court order or rule, and causes injury or potential injury to a client or other party, or causes interference or potential interference with a legal proceeding.
- 6.24 Admonition is generally appropriate when a lawyer engages in an isolated instance of negligence in complying with a court order or rule, and causes little or no actual or potential injury to a party, or causes little or no actual or potential interference with a legal proceeding. (Emphasis added.)
93. Mr. Buck's violation of Rule 8.1(b)(Disciplinary Matters) implicates Section 7.0 of the *Standards*. That Section provides:
- 7.1 Disbarment is generally appropriate when a lawyer knowingly engages in conduct that is a violation of a duty owed as a professional with the intent to obtain a benefit for the lawyer or another, and causes serious or potentially serious injury to a client, the public, or the legal system.
- 7.2 **Suspension is generally appropriate when a lawyer knowingly engages in conduct that is a violation of a duty as a professional and causes injury or potential injury to a client, the public, or the legal system.**
- 7.3 Reprimand is generally appropriate when a lawyer negligently engages in conduct that is a violation of a duty owed as a professional and causes injury or potential injury to a client, the public, or the legal system.
- 7.4 Admonition is generally appropriate when a lawyer engages in an isolated instance of negligence in determining whether the lawyer's conduct violates a duty owed as a professional, and causes little or no actual or potential injury to a client, the public, or the legal system. (Emphasis added.)
94. Mr. Buck's conduct in this matter, when considered under the *Standards*, would call for a baseline sanction of a suspension.

95. The baseline sanction must be considered in light of any aggravating and mitigating factors. *E.g., Conner's Case*, 158 N.H. at 303.
96. In this case, there are no applicable aggravating factors present. *See Standards* § 9.22.
97. Mitigating factors include absence of a prior disciplinary record, absence of a dishonest or selfish motive, and personal and emotional problems. Specifically, Mr. Buck was experiencing mental health and financial issues during 2015 and 2016. Both issues caused him to avoid addressing certain obligations, including time periods where he did not open his mail. Mr. Buck also reports a full intention to comply with the requests of Mr. Kruse and Mr. Samdperil, but found that his daily stressors often prevented him from completing the promised task. *See Standards* § 9.32.
98. Despite the mitigating factors, the parties agree that a downward departure is not appropriate given Mr. Buck's lack of cooperation over a year and a half period. The parties agree that the baseline sanction of a suspension is appropriate. A six-month suspension serves the purposes of discipline and is an appropriate sanction in this case.

D. Costs

99. Subject to the PCC's approval of Mr. Buck's Stipulation, Mr. Buck agrees to pay the costs incurred by the ADO in the investigation and enforcement of this disciplinary matter. *See Supreme Court Rule 37(19)*.

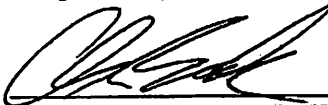
His agreement to pay the costs incurred by the ADO is the subject of a separate agreement signed by Mr. Buck.

E. Effect of Stipulation

100. Mr. Buck understands that this Stipulation represents a recommended disposition, and that the PCC may accept, reject, or conditionally accept the Stipulation pursuant to Rule 37A(III)(aa)(1).
101. Mr. Buck acknowledges that the admissions of misconduct and the proposed disposition contained in this Stipulation are freely, knowingly, and voluntarily submitted; that he is not entering this Stipulation as a result of any threats, coercion, or duress, or of any promises or inducements not set forth in the Stipulation; that he understands that he has a right to obtain counsel regarding this Stipulation; and that he is fully aware of the consequences of the Stipulation.
102. Mr. Buck knowingly and intelligently waives his right to a hearing.

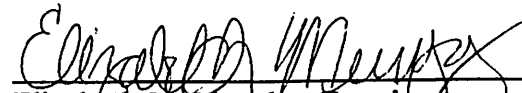
Respectfully submitted,

Dated: 6/9 2017



Christopher C. Buck, Esquire
Respondent

Dated: 6/9 2017



Elizabeth M. Murphy, Esquire
Assistant Disciplinary Counsel



**NEW HAMPSHIRE SUPREME COURT
PROFESSIONAL CONDUCT COMMITTEE**

Buck, Christopher C.

advs.

Attorney Discipline Office

#16-038


**AGREEMENT TO PAY COSTS
OF DISCIPLINARY MATTER**

1. Subject to the Professional Conduct Committee's ("Committee") final approval of the Stipulation as to Facts, Violations and Sanction in the above matter, I agree to pay the expenses incurred by the Committee in the investigation and enforcement of this disciplinary matter. See Sup. Ct. R. 37(19)(b). Costs can include, but are not limited to: mileage, stenographers, transcripts, copying, inventory, audit expenses and publication.
2. As of May 8, 2017, I have been informed that the costs presently total approximately \$40.25. Should further costs accrue in the disposition of this matter, the Committee will bill me for these costs. I also agree to pay the increased costs, with notice to me from the Committee regarding those costs. If I dispute the bill, I shall notify the Committee of the specific nature of the dispute in writing within 30 days of my receipt of the bill. The Committee will consider the disputed item and issue a written decision. If I do not notify the Committee that I dispute a bill, payment will be due upon its receipt.

3. I understand the Committee will not issue an invoice until the final disposition of this matter.
4. I waive the provisions of Supreme Court Rule 37(19)(b) regarding any further detail of the nature and amount of each expense, and I also waive formal demand for payment.
5. I understand and agree that the assessment of costs is deemed final and shall have the full force and effect of a civil judgment. As a result, it may be enforced in any Superior Court in New Hampshire.
6. The Assessment shall become final unless I respond in writing, within thirty (30) days of receipt of the Committee's statement of expenses, listing each disputed expense and explaining my reasons for disagreement. Sup. Ct. R. 37(19)(b). The Committee may resolve the matter, or enforce the assessment by petition to the superior court in any county in the state. Sup. Ct. R. 37(19)(b).
7. The Committee may file a copy of the final assessment with the superior court in any county in the state, where it shall be docketed as a final judgment and shall be subject to all legally-available post-judgment enforcement remedies and procedures. See Sup. Ct. R. 37(19)(c).
8. I also agree to be responsible for all costs incurred as a result of the Attorney Discipline Office's collection efforts.

Respectfully submitted,

Dated: 6/9, 2017



Christopher C. Buck, Esquire
Respondent