

New Hampshire Supreme Court
Professional Conduct Committee

a committee of the attorney discipline system

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Heather E. Krans, Vice Chair
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Miller, Jeremy A. advs. Attorney Discipline Office - #14-029
Miller, Jeremy A. advs. Attorney Discipline Office - #15-025
Miller, Jeremy A. advs. Attorney Discipline Office - #15-035

Miller, Jeremy A. advs. Attorney Discipline Office - #13-007
Miller, Jeremy A. advs. Attorney Discipline Office - #15-051
Miller, Jeremy A. advs. Attorney Discipline Office - #16-008
Miller, Jeremy A. advs. Attorney Discipline Office - #16-032
Miller, Jeremy A. advs. Attorney Discipline Office - #16-047

RECOMMENDATION: DISBARMENT AND ORDER ON COSTS

On June 20, 2017, the Professional Conduct Committee (the "Committee") deliberated in the above matters. 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; Mona T. Movafaghi; Richard H. Darling; and Margaret R. Kerouac were absent.

Mr. Miller did not respond to either Notice of Charges. The factual allegations and rule violations alleged are deemed admitted pursuant to Supreme Court Rule 37A(III)(b)(3)(A). In any event, the Committee conducted a review of the Record, which consists of 25 tabbed entries, and found that the Record supported the factual findings and rule violations as set forth in the Hearing Panel's order by clear and convincing evidence.

On the issue of sanction, the Committee noted that Mr. Miller acted intentionally with respect to several of the violations, engaged in fraud and deceit, and caused actual or potential serious harm to clients. The Hearing Panel cited a series of aggravating factors, including a prior disciplinary

history, and the fact that Mr. Miller engaged in misconduct while being investigated by the Attorney Discipline Office. The Panel did not find any mitigating circumstances. Based on the Record, this Committee sees no reason to depart from the Panel's recommendation of disbarment.

Having reviewed the Record, the Committee finds violations of the New Hampshire Rules of Professional Conduct (the "Rules") by clear and convincing evidence and recommends Disbarment for violations of Rules 1.1; 1.3; 1.4; 1.5(a); 1.7; 1.15; 1.16(d); 1.19; 3.3; 3.4(c); 4.1; 5.3; 8.1(b); 8.4(a); 8.4(b); 8.4(c); and Supreme Court Rules 50 and 50A. The Committee also recommends reimbursement for all costs of investigation and prosecution of these matters.

The Hearing Panel recommended that before being considered for readmission, Mr. Miller must "provide proof that he has returned unearned fees and payments for work he did not complete to the named complainants. . . ." Panel Order, at p. 4. The Committee does not order restitution. It does not, therefore, recommend to the Court that Mr. Miller return unearned fees as a pre-condition to readmission.

June ²³ 2017



David M. Rothstein, Chair

Distribution:

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