

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

ORDER

LD-2017-0005, In the Matter of Drake David Dargon, Sr., Esquire

On February 6, 2017, the Professional Conduct Committee (PCC) filed a recommendation that Attorney Drake David Dargon, Sr., be suspended from the practice of law for a period of three years and ordered to pay the costs associated with the investigation and enforcement of this disciplinary matter. The PCC's recommendation was based on a stipulation executed by Attorney Dargon and the Attorney Discipline Office's disciplinary counsel as to Attorney Dargon's violations of the Rules of Professional Conduct. In accordance with Supreme Court Rule 37(16), a copy of the PCC's recommendation was served upon Attorney Dargon, along with an order requiring him and disciplinary counsel to identify any legal or factual issues that they wished the court to review. A copy of the order was also provided to Attorney Dargon's counsel. Neither Attorney Dargon nor disciplinary counsel identified any issues for review. After reviewing the PCC's recommendation, the court issued an order requesting further information from Attorney Dargon and disciplinary counsel. Both parties filed responses to that order.

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

1. Rule 1.4, requiring a lawyer to keep clients reasonably informed about the status of their matters;
2. Rule 1.5, prohibiting a lawyer from entering into an agreement for, charging, or collecting an illegal or unreasonable fee;
3. Rule 1.15 and Supreme Court Rule 50, requiring a lawyer to safeguard client property and to comply with court rules regarding client property;
4. Rule 1.16, relating to the obligations of a lawyer who withdraws from representing a client;
5. Rule 3.3, prohibiting a lawyer from knowingly making false statements of fact to a tribunal;
6. Rule 5.3, relating to the responsibilities of a lawyer for the conduct of non-lawyer assistants;

7. Rule 5.4, prohibiting a lawyer from sharing legal fees with a non-lawyer except in certain limited circumstances;
8. Rule 5.5, relating to the unauthorized practice of law;
9. Rule 7.1, relating to a lawyer's communications concerning his services; and
10. Rule 8.4(a), making it misconduct to violate the Rules of Professional Conduct.

After reviewing the PCC's recommendation, and the record of the PCC proceedings, the court accepts the PCC's recommendation that Attorney Dargon should be suspended from the practice of law in New Hampshire for a period of three years. Accordingly, the court orders as follows:

- (1) Attorney Drake David Dargon, Sr., is suspended from the practice of law in New Hampshire for a period of three years.
- (2) Attorney Dargon 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 Dargon is ordered to comply with the provisions of Supreme Court Rule 37(13).
- (4) Within 30 days of this order, Attorney Dargon 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, Lynn, and Bassett JJ., concurred.

DATE: June 23, 2017

ATTEST:



Eileen Fox, Clerk

Distribution:

✓ Attorney Discipline Office,
09-064; 10-025; 10-036; 10-050; 10-051; 10-054; 10-056; 10-059;
10-060; 10-067; 10-069; 10-080; 11-029

James D. Gleason, Esquire
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File