

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

ORDER

LD-2018-0004, In the Matter of Richard G. Sheehan, Esquire

On April 2, 2018, the Attorney Discipline Office (ADO) filed an assented-to petition for the immediate interim suspension of Attorney Richard G. Sheehan from the practice of law in New Hampshire. The ADO alleges that Attorney Sheehan misappropriated and mishandled client funds in his possession. Specifically, it alleges that Attorney Sheehan:

- (1) agreed to settle a client's personal injury action without the knowledge or consent of the client;
- (2) signed the client's name on a release of claims without the client's authorization;
- (3) negotiated the settlement check by signing the client's name without the client's authorization; and
- (4) used the proceeds of the settlement for purposes unrelated to the client.

The ADO alleges that Attorney Sheehan is out of trust in relation to the client matter.

The ADO alleges that Attorney Sheehan's conduct violated Rule of Professional Conduct 1.15, which requires an attorney to safeguard client property, and Supreme Court Rule 50, which imposes record-keeping requirements for trust accounts. Attorney Sheehan admits that he violated these rules, as well as his duty under Rule of Professional Conduct 3.3 to file accurate and complete trust account compliance certificates, and Rule 8.4(c) by engaging in conduct involving dishonesty.

In accordance with Supreme Court Rule 37(9-A), the ADO may petition the court for the interim suspension of an attorney who it contends engaged in conduct that poses a substantial threat of serious harm to the public. If the attorney consents to the interim suspension, the court may issue an order of interim suspension, which is effective immediately. See Rule 37(9-A)(c). The ADO petition states that Attorney Sheehan assents to the interim suspension and waives his right to file a response to the petition.

Based on the information submitted in the ADO petition, the court finds that Attorney Sheehan's continued practice of law poses a substantial threat of

serious harm to the public, and, therefore, that Attorney Sheehan's immediate suspension from the practice of law is necessary. See Rule 37(9-A).

Accordingly, it is hereby ordered:

- (1) In accordance with Rule 37(9-A), Attorney Richard G. Sheehan is immediately suspended from the practice of law in New Hampshire pending the outcome of the ADO's investigation and further order of this court.
- (2) Copies of the petition for immediate interim suspension and of this order shall be served on Attorney Sheehan by first class mail and certified mail at the address provided by the ADO and at the latest address that Attorney Sheehan provided to the New Hampshire Bar Association.
- (3) Attorney Sheehan is enjoined from further use of his IOLTA account. He is further enjoined from transferring, assigning, hypothecating, or in any manner disposing of or conveying any assets of clients, whether real, personal, beneficial or mixed.
- (4) On or before April 16, 2018, Attorney Sheehan shall provide the ADO with proof that he no longer has authority over any fiduciary accounts.
- (5) On or before April 24, 2018, Attorney Sheehan shall inform his clients in writing of his suspension from the practice of law and of his inability to act as an attorney, and shall advise them to seek other counsel. See Rule 37(13). Attorney Sheehan shall file an affidavit stating that he has complied with this requirement on or before April 30, 2018. A copy of the affidavit shall be sent to the ADO.

The court will appoint an attorney to take possession of the client files and accounts of Attorney Sheehan.

Hicks, Bassett, and Hantz Marconi, JJ., concurred.

DATE: April 4, 2018

ATTEST:


Eileen Fox, Clerk

Distribution:

Mark P. Cornell, Esquire
Richard G. Sheehan, Esquire
File